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

DEPARTMENT OF ENERGY

10 CFR Part 590

Rescission of Policy Statement on Export Commencement Deadlines in Authorizations To Export Natural Gas to Non-Free Trade Agreement Countries

	Docket No.
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AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Rescission of policy statement.

SUMMARY: The Department of Energy (DOE) is rescinding the Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries issued on April 26, 2023 (Policy Statement). Henceforth, DOE will consider applications to extend an authorization holder's export commencement deadline and grant such extensions for good cause shown on a case-by-case basis, an approach consistent with DOE's practice prior to the issuance of the Policy Statement.

DATES: This rescission is applicable on April 2, 2025.

FOR FURTHER INFORMATION CONTACT: Amy Sweeney or Jennifer Wade, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–2627 or (202) 586–4749; *amy.sweeney@hq.doe.gov* or *jennifer.wade@hq.doe.gov;* Irene V. Norville, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585; *irene.norville@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: DOE is responsible for authorizing exports of domestically produced natural gas, including liquefied natural gas (LNG), to foreign countries under section 3 of the Natural Gas Act (NGA).[1] On April 26, 2023, DOE issued a Policy Statement applying to existing and future authorizations for the export of natural gas to countries with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Under this Policy Statement, DOE would allow authorizations to expire on the export commencement deadline originally set forth in the authorizing order, and would not consider an application for an extension of the commencement deadline, unless the authorization holder demonstrated both that (1) it has physically commenced construction on the associated export facility and (2) its inability to comply with the existing export commencement deadline is the result of extenuating circumstances outside of its control.[2] In the Policy Statement, DOE stated that an authorization holder unable to make this demonstration, and failing to meet its commencement deadline, would be required to submit a new non-FTA application, which would be considered without prejudice.[3]

Based on a review, DOE has concluded that the Policy Statement does not align with policies set forth in Executive Order 14154 of January 20, 2025, *Unleashing American Energy,*[4] which directs agencies to review and suspend, revise, or rescind actions that unduly burden the development of domestic energy resources, with particular attention to natural gas, among other resources.[5] Specifically, DOE has determined that the Policy Statement poses an undue burden by placing strict criteria on natural gas export authorization holders seeking extensions to their commencement deadlines and demanding significant time and resources from authorization holders that would be required to submit new non-FTA applications if unable to meet the criteria under the Policy Statement.

Therefore, DOE is rescinding the Policy Statement, effective April 2, 2025. Going forward, DOE will consider applications to extend an authorization holder's export commencement deadline and grant such extensions for good cause shown on a case-by-case basis consistent with DOE's practice prior to the issuance of the Policy Statement. An authorization holder seeking to apply for an extension of the commencement deadline should submit its application to DOE at least 90 days prior to the export commencement deadline in its non-FTA order.[6]

Signing Authority

This document of the Department of Energy was signed on March 27, 2025, by Talat Goudarzi, Principal Deputy Assistant Secretary, Office of Fossil Energy and Carbon Management, pursuant to delegated authority from the

[1] 15 U.S.C. 717b. The Secretary's authority was established by the Department of Energy Organization Act, 42 U.S.C. 7151(b), which transferred jurisdiction over import and export authorizations from the Federal Power Commission to the Secretary of Energy; *see also* 42 U.S.C. 7172(f). The authority to regulate the imports and exports of natural gas, including LNG, under NGA section 3 has been delegated to the Assistant Secretary for Fossil Energy and Carbon Management (FECM) in Redelegation Order No. S4–DEL–FE1–2023, issued on April 10, 2023.

[2] 88 FR 25272 (Apr. 26, 2023).

[3] *See id.* at 88 FR 25278.

[4] 90 FR 8353 (Jan. 29, 2025).

[5] *Id.* at 90 FR 8354 (Sec. 3). Section 8(a) of the Executive order also directs the Secretary of Energy to restart reviews of applications for approvals of liquified natural gas export projects as expeditiously as possible, consistent with applicable law. *Id.* at 90 FR 8357.

[6] 10 CFR 590.201(b) (''Applications shall be filed at least ninety (90) days in advance of the proposed import or export or other requested action, unless a later date is permitted for good cause shown.'').

Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 28, 2025.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2025–05592 Filed 4–1–25; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of Financial Research

12 CFR Part 1610

Ongoing Data Collection of Non-Centrally Cleared Bilateral Transactions in the U.S. Repurchase Agreement Market

AGENCY: Office of Financial Research, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Financial Research (the ''Office'') within the U.S. Department of the Treasury (''Treasury'') is extending the compliance date for certain financial companies to report to the Office certain non-centrally cleared bilateral transactions in the U.S. repurchase agreement (''repo'') market. This data collection requires daily reporting to the Office by certain brokers, dealers, and other financial companies with large exposures to non-centrally cleared bilateral repo (''NCCBR'') transactions.

DATES:

Effective date: The effective date for this rule is April 1, 2025.

Compliance dates: The compliance date for 12 CFR 1610.11(e)(2) is extended from April 1, 2025 to June 30, 2025, and the compliance date for 12 CFR 1610.11(e)(4) is extended from 270 to 360 days.

FOR FURTHER INFORMATION CONTACT: Michael Passante, Chief Counsel, Office of Financial Research, (202) 594–9658, *michael.passante@ofr.treasury.gov;* Sriram Rajan, Associate Director of Financial Markets, Office of Financial Research, (202) 594–9658, *sriram.rajan@ofr.treasury.gov;* or Laura Miller Craig, Senior Advisor, Office of Financial Research, (202) 594–9658, *laura.craig@ofr.treasury.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On May 6, 2024, the Office published a final regulation for a data collection of NCCBR transactions in the U.S. repo market (''Final Rule''), with an effective date of July 5, 2024 and codified at 12 CFR 1610.11.[1] That collection requires daily reporting to the Office by certain brokers, dealers, and other financial companies with large exposures to NCCBR transactions. The compliance date for certain securities brokers, securities dealers, government securities brokers, and government securities dealers occurred on December 2, 2024. These data are being used by the Office to fulfill its responsibilities under title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act, including support of the Financial Stability Oversight Council (''Council'') and Council member agencies by facilitating financial stability monitoring and research.

As explained in the Final Rule, the purpose of the collection is to fill a critical gap in regulators' information about the overall repo market by collecting data on the NCCBR segment, the last segment of the repo market for which regulators have not had a transaction-level data source. Without the collection, regulators would have limited insight into risks in this segment and across segments. The reporting structure of the Final Rule was carefully developed to ensure that no significant data gap remained in repo markets once the rule was fully implemented.

In the Final Rule, reporting is required by certain financial companies (as defined in the Final Rule) that fall within either of two categories:[2]

- *Category 1:* a securities broker, securities dealer, government securities broker, or government securities dealer whose average daily outstanding commitments to borrow cash and extend guarantees in NCCBR transactions with counterparties over all business days during the prior calendar quarter is at least $10 billion, and
- *Category 2:* any financial company that is not a securities broker, securities dealer, government securities broker, or government securities dealer and that has over $1 billion in assets or assets under management, whose average daily outstanding commitments to borrow cash and extend guarantees in NCCBR transactions, including commitments of all funds for which the company serves as an investment adviser, with counterparties that are not securities brokers, securities dealers, government securities brokers, or government securities dealers over all business days during the prior calendar quarter is at least $10 billion.

Category 2 is structured to cover other financial companies with large daily outstanding commitments to entities that are not securities brokers, securities dealers, government securities brokers, or government securities dealers to limit duplicative reporting.

In the Final Rule, the Office established staggered compliance dates for Category 1 and Category 2 covered reporters, with an additional 120 days for Category 2 reporters compared to Category 1 covered reporters. The Final Rule established a compliance date of 150 days after the effective date of the Final Rule for Category 1 covered reporters and a compliance date of 270 days after the effective date of the Final Rule for Category 2 covered reporters. These timelines were extensions from the proposed 90 days for both Category 1 and Category 2. The Office extended the compliance dates and added the staggered timeline for Category 2 covered reporters based on comments received in response to its proposed rule (the ''proposed rule'').[3]

Since the Final Rule was adopted, the Office has worked with market participants, including both Category 1 covered reporters and potential Category 2 covered reporters, to address operational questions related to establishing connectivity to the OFR's Data Collection Utility and otherwise preparing for reporting to the Office's data collection infrastructure. Many potential Category 2 covered reporters have connected to the Data Collection Utility and have submitted test submissions files. As part of these efforts, the OFR has become aware that some potential Category 2 covered reporters believe that an extension to the compliance date for Category 2 covered reporters is warranted. Trade associations that represent certain market participants that identify themselves as potential Category 2 covered reporters have described challenges that their members have encountered in the process of preparing

[1] Department of the Treasury. *Ongoing Data Collection of Non-centrally Cleared Bilateral Transactions in the U.S. Repurchase Agreement Market.* Final Rule, 89 FR 37091 (May 6, 2024).

[2] 89 FR 37097 (May 6, 2024).

[3] Department of the Treasury. Collection of Noncentrally Cleared Bilateral Transactions in the U.S. Repurchase Agreement Market. Proposed rule, 88 FR 1154 (January 9, 2023).

for reporting under the Final Rule and have requested extensions to the compliance date ranging from three months to over a year.

Among the challenges cited by these entities is the automation of reporting processes for financial companies that are not always accustomed to transaction-reporting requirements and to the development of systems that both capture and report trade information. Other concerns noted by potential Category 2 covered reporters include challenges with respect to computing reporting thresholds and a perceived limited number of third-party service providers to submit data on their behalf.

The Office had acknowledged in its Final Rule that Category 2 reporters may need to establish or adapt their infrastructure to comply with their reporting obligations. As a result, based on comment letters, the Office extended the initial compliance date materially compared to that set forth in its proposed rule (an increase from 90 days to 270 days) and introduced an option but not a requirement to use a third-party service provider to submit data on behalf of a covered reporter. Since the publication of the Final Rule, trade associations approached the Office with the challenges mentioned above.

The compliance date schedule established in the Final Rule sought to strike a balance between respecting the resources necessary for financial companies to establish or adapt reporting infrastructure against the benefit of the Council's monitoring of emerging threats to the stability of the U.S. financial system. The collection of information on the NCCBR segment continues to be critical to understanding potential financial stability risks. Reporting by Category 1 covered reporters pursuant to the Final Rule has already started, and the Office has begun analyzing these data to support the Council.[4] Category 2 covered reporters are, as explained in more detail in the Final Rule and above, financial companies with outstanding commitments of greater than $10 billion in NCCBR transactions with financial companies other than securities brokers, securities dealers, government securities brokers, and government securities dealers. Accordingly, transaction-level data reported by Category 2 covered reporters represents substantial incremental coverage of this segment of the repo market, including at least $10 billion in commitments from each Category 2 covered reporter that would not be included in transaction-level data reported by Category 1 covered reporters. For the reasons discussed in the Final Rule, including coverage of potential future changes in repo market structure such as peer-to-peer repo that bypasses Category 1 financial companies, the benefits of reporting by Category 2 firms remain significant, and the absence of reporting by these firms would leave a crucial gap in the ability of the Council and its member agencies to effectively monitor financial stability risks in this market.

The Office has considered the above-noted concerns and also finds that if potential Category 2 covered reporters have not developed adequate reporting systems by the compliance date, such an outcome could affect the quality of any data reported. It believes that a limited extension of the compliance date for Category 2 covered reporters is appropriate. Based on communications with trade associations, which gave qualitative descriptions of the challenges faced by potential Category 2 covered reporters, and the quantitative data and information otherwise available to the Office at this time, the Office does not believe that an extension amounting to the lengthier periods requested is warranted. In addition, in light of the relative proximity between publication of this extension and the Category 2 compliance date originally established, the Office believes that any extension should apply equally to those financial companies that qualified as Category 2 covered reporters as of the effective date of the Final Rule as well as those that qualified or will qualify after such date.

Accordingly, the Office believes that a 90-day extension of the Category 2 compliance date for financial companies that qualified as Category 2 covered reporters as of the effective date of the Final Rule, as well as those that qualified or will qualify after such date, is appropriate. The Final Rule's effective date of July 5, 2024 remains unchanged.

II. Administrative Law Matters

II(a). Paperwork Reduction Act

The information collection contained in the final rule has been reviewed and approved by the Office of Management and Budget (''OMB'') under OMB Control No. 1505–0279. In accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office may not conduct or sponsor, and a covered reporter is not required to respond to, an information collection unless it displays a currently valid OMB control number.

II(b). Administrative Procedure Act

The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a rulemaking in the **Federal Register**, provide an opportunity for public comment, and provide a 30-day delayed effective date for a final rule.[5] The requirements do not apply, however, if the agency ''for good cause finds . . . that notice and public procedure and impracticable, unnecessary, or contrary to the public interest.''[6] The Office finds that, for good cause and the reasons cited above, including the further development of systems to effect the required reporting under the Final Rule, notice and solicitation of comment regarding the extension of the compliance date for Category 2 covered reporters in the Final Rule is impracticable, unnecessary, or contrary to the public interest.

II(c). Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

II(d). Congressional Review Act

This rule is not a major rule pursuant to the Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*

List of Subjects in 12 CFR Part 1610

Banks, Banking, Confidential business information, Securities.

For the reasons stated in the preamble, the Office of Financial Research amends 12 CFR part 1610 as follows:

PART 1610—REGULATORY DATA COLLECTIONS

■ 1. The authority citation for part 1610 continues to read as follows:

Authority: 12 U.S.C. 5343 and 5344.

■ 2. Revise § 1610.11(e) to read as follows:

§ 1610.11 Non-centrally Cleared Bilateral Repurchase Agreement Data.

* * * * *

(e) *Compliance date.* (1) Any financial company that meets the criteria set forth in paragraph (b)(2)(i) of this section as of July 5, 2024 shall comply with the reporting requirements pursuant to this section 150 days after July 5, 2024. Any such covered reporter's first submission shall be submitted on the first business day after such compliance date.

[4] See Council, Readout of Meeting on March 20, 2025, available at *https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/fsoc/council-meetings.*

[5] 5 U.S.C. 553(b)(B) and (d).

[6] *See id.*

(2) Any financial company that meets the criteria set forth in paragraph (b)(2)(ii) of this section as of July 5, 2024 shall comply with the reporting requirements pursuant to this section 360 days after July 5, 2024. Any such covered reporter's first submission shall be submitted on the first business day after such compliance date.

(3) Any financial company not described in paragraph (e)(1) or (2) of this section that meets the criteria set forth in paragraph (b)(2)(i) of this section after July 5, 2024 shall comply with the reporting requirements pursuant to this section 150 days after the last day of the calendar quarter in which such financial company becomes a covered reporter.

(4) Any financial company not described in paragraph (e)(1) or (2) of this section that meets the criteria set forth in paragraph (b)(2)(ii) of this section after July 5, 2024 shall comply with the reporting requirements pursuant to this section 360 days after the last day of the calendar quarter in which such financial company becomes a covered reporter.

James D. Martin,

Acting Director.

[FR Doc. 2025–05504 Filed 4–1–25; 8:45 am]

BILLING CODE 4810–AK–P–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0620; FRL–12530–02–R9]

Interim Final Determination To Defer Sanctions, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination that the California Air Resources Board (CARB) has submitted a Clean Air Act (CAA or ''Act'') State implementation plan (SIP) revision on behalf of the Placer County Air Pollution Control District (PCAPCD or ''District'') that corrects deficiencies concerning the District's nonattainment new source review stationary source permitting program. This determination is based on a proposed approval, published elsewhere in this issue of the **Federal Register,** of PCAPCD Rule 502, ''New Source Review.'' The effect of this interim final determination is to defer sanctions that were triggered by the EPA's previous limited disapproval of PCAPCD Rule 502 in 2023.

DATES: This interim final determination is effective on April 2, 2025. However, comments will be accepted on or before May 2, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0620 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kira Wiesinger, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 972–3827; email: *wiesinger.kira@epa.gov.*

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

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I. Background
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I. Background

On September 26, 2023,[1] we published a limited disapproval of PCAPCD Rule 502 as adopted locally on August 12, 2021, based on deficiencies identified in the submitted rule. This limited disapproval action started a sanctions clock for imposition of offset sanctions 18 months after October 26, 2023, and highway sanctions 6 months later, pursuant to section 179 of the CAA and our regulations at 40 CFR 52.31. Under 40 CFR 52.31(d)(1), offset sanctions apply 18 months after the effective date of a disapproval and highway sanctions apply six months after the offset sanctions, unless we determine that the deficiencies forming the basis of the disapproval have been corrected.

On June 13, 2024, the PCAPCD amended Rule 502 to address the deficiencies identified in our September 26, 2023 limited disapproval action. The State submitted this amended rule to the EPA on November 15, 2024. In the Proposed Rules section of this **Federal Register**, we are proposing an approval of this rule because we believe it corrects the deficiencies identified in our September 26, 2023 disapproval action and meets other applicable CAA requirements. Based on our proposed action, we are taking this final rulemaking action, effective on publication, to defer the imposition of the offset sanctions and the highway sanctions that were triggered by our September 26, 2023 limited disapproval.

The EPA is providing the public with an opportunity to comment on this deferral of sanctions. If comments are submitted that change our assessment described in this final determination and our proposed approval of PCAPCD Rule 502, we intend to take subsequent final action to reimpose sanctions pursuant to 40 CFR 52.31(d). If no comments are submitted that change our assessment, then all sanctions and sanction clocks associated with our September 26, 2023 final action will be permanently terminated on the effective date of a final rule approval.

II. EPA Action

We are making an interim final determination to defer the imposition of the offset and highway sanctions associated with our limited disapproval of PCAPCD Rule 502 (as adopted in 2021) based on our concurrent proposed finding that the State's SIP revision corrects the deficiencies that initiated sanctions.

Because the EPA has preliminarily determined that the State has corrected the deficiencies identified in our September 26, 2023 limited disapproval action, relief from sanctions should be provided as quickly as possible. Therefore, the EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for

[1] 88 FR 65816.

comment before this action takes effect.[2] However, by this action, the EPA is providing the public with an opportunity to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiencies that were the basis for the limited disapproval that started the sanctions clocks. Therefore, it is not in the public interest to apply sanctions. The EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while the EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, the EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction.[3]

III. Statutory and Executive Order Reviews

This action defers Federal sanctions and imposes no additional requirements. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because it does not concern an environmental health risk or safety risk;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this action as discussed in section II of this preamble, including the basis for that finding.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 14, 2025.

Cheree D. Peterson,

Acting Regional Administrator, Region IX.

[FR Doc. 2025–05376 Filed 4–1–25; 8:45 am]

BILLING CODE 6560–50–P

[2] 5 U.S.C. 553(b)(B).

[3] 5 U.S.C. 553(d)(1).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 751

[EPA–HQ–OPPT–2020–0642; FRL 8317.1–01–OCSPP]

RIN 2070–AK83

Postponement of Effectiveness for Certain Provisions of Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification; postponement of effectiveness.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is postponing the effectiveness of certain regulatory provisions of the final rule entitled ''Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA)'' for 90 days pending judicial review. Specifically, this postponement applies to the conditions imposed on the uses with TSCA exemptions.

DATES: As of March 21, 2025, the EPA further postpones the conditions imposed on each of the TSCA section 6(g) exemptions, as described in this document, in the final rule published on December 17, 2024 at 89 FR 102568 until June 20, 2025.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2020–0642, is available online at *https://www.regulations.gov*. Additional information about dockets generally, along with instructions for visiting the docket in-person, is available at *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT:

For technical information: Gabriela Rossner, Existing Chemicals Risk Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 565–2426; email address: *TCE.TSCA@epa.gov*.

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On December 17, 2024, EPA issued a final risk-management rule under TSCA section 6(a) prohibiting all uses of trichloroethylene (TCE), most of which would be prohibited within one year, including TCE manufacture and processing for most commercial and all consumer products. (89 FR 102568, December 17, 2024 (FRL–8317–02–OCSPP)). That final rule included extended phaseouts or TSCA section 6(g) exemptions to permit several uses to continue under workplace restrictions for longer periods, including an interim exposure level (ECEL) of 0.2 ppm.

The final rule was originally scheduled to become effective on January 16, 2025. EPA received petitions for an administrative stay of the effective date on behalf of Microporous, LLC (Microporous), which also separately sought partial reconsideration of the final rule, and Alliance for a Strong U.S. Battery Sector (Alliance) on January 10, 2025. EPA denied these requests on January 15, 2025. Microporous and Alliance submitted renewed petitions to the Agency to stay the effective date of the rule, or, in the alternative, for an administrative stay of the final rule's workplace conditions for battery separator manufacturers, on January 20, 2025. PPG Industries, Inc. (PPG) also submitted a request for an administrative stay on January 21, 2025.

EPA also received thirteen petitions for review of the final rule in various circuits of the U.S. Courts of Appeals. On January 13, 2025, petitioners Microporous and Alliance filed emergency motions for stay in the Fifth and Sixth Circuit Courts of Appeals of the final rule's effective date and workplace conditions for battery-separator manufacturers, as well as a temporary administrative stay of the final rule pending consideration of the emergency stay motion. The same day, the Fifth Circuit granted the motion for a temporary administrative stay of the final rule's effective date while the court considered the emergency stay motion.

Shortly thereafter, the petitions for review were consolidated in the U.S. Court of Appeals for the Third Circuit as *USW* v. *U.S. EPA,* Case No. 25–1055. On January 16, 2025, the Third Circuit issued an order leaving the temporary administrative stay of the effective date of the final rule in place pending briefing on whether the temporary stay should be lifted or converted to a permanent stay. On January 21, 2025, petitioner PPG filed a new stay motion with the court, and Alliance and Microporous refiled their existing motions to stay the effective date. On January 24, 2025, EPA filed a motion requesting that the court extend all deadlines in the case for sixty days, including with respect to further stay briefing, which the court granted.

EPA temporarily delayed the effective date of the final rule until March 21, 2025. (90 FR 8254, January 28, 2025 (FRL–12583–01–OA)). Although the final rule has yet to go into effect, it was incorporated into the Code of Federal Regulations (CFR) on January 16, 2025. *See* 40 CFR part 751, subpart D.

II. Statutory Authority

Section 705 of the Administrative Procedure Act (APA) authorizes an agency to postpone the effective date of an agency action pending judicial review when the agency finds ''that justice so requires.'' 5 U.S.C. 705. In determining whether justice requires staying an action, the agency should weigh the equities and consider the underlying litigation to assess whether a stay is necessary to ''afford parties an adequate judicial remedy.'' *Bauer* v. *DeVos,* 325 F. Supp. 3d 74, 106 (D.D.C. 2018) (citing APA, Pub. L. 1944–46, S. Doc. No. 248, at 277 (1946)). This analysis includes ''balancing the competing claims of injury, considering the effect on each party of granting a stay, and paying particular regard for the public consequences.'' *Id.* at 107. An agency need only provide a ''reasoned explanation'' that is sufficient to allow a reviewing court to evaluate whether an administrative stay was appropriate. *Id.* at 106.

In deciding whether to grant a stay under APA section 705, EPA has occasionally employed the four-factor test for a judicial stay that courts typically use in determining whether to issue a preliminary injunction. *See, e.g., Winter* v. *Natural Resources Defense Council, Inc.,* 555 U.S. 7 (2008). The EPA did not use the four-factor test for a judicial stay in the Agency's review of Microporous' and Alliance's January 10, 2025, request for an administrative stay and is not employing it in this administrative stay. Nothing in APA section 705 requires that agencies apply the four-factor test for preliminary judicial relief. Rather, the APA simply requires that the agency find ''that justice so requires'' a stay pending judicial review. EPA's approach of weighing equitable concerns and assessing whether a stay is required to ensure that parties may obtain an adequate judicial remedy is consistent with APA section 705.

Notice and comment is not required when an agency delays the effective date of a rule under APA section 705 because such a stay pending judicial review is not substantive rulemaking subject to APA section 553; it merely maintains the status quo to allow for judicial review. *See Bauer,* 325 F. Supp. 3d at 106–07; *Sierra Club* v. *Jackson,* 833 F. Supp. 2d 11, 28 (D.D.C. 2012).

III. Postponement of Effective Date

In light of the pending litigation, and for the following reasons, EPA has reconsidered its position from its earlier denial of an administrative stay pending judicial review and determined that justice requires a 90-day postponement of the effective date (*i.e.,* until June 20, 2025) of the conditions for each of the TSCA section 6(g) exemptions. *See* 40 CFR 751.325(a)(2). The postponement applies, for example, to the conditions imposed under the TSCA section 6(g) exemption for the use of TCE as a processing aid for specialty polymeric microporous sheet material manufacturing. 40 CFR 751.325(b)(6)(i)–(iv).

The postponement will temporarily preserve the status quo while the Third Circuit litigation is pending. Several petitioners have raised serious questions concerning the validity of the workplace conditions imposed by the final rule's TSCA section 6(g) exemptions for lead-acid battery separator manufacturing and specialty polymeric microporous sheet materials. Petitioners argue that the interim workplace conditions are impracticable and function as a total ban, which was not the EPA's intention in providing for the TSCA section 6(g) exemptions. Specifically, petitioners allege that because the interim workplace conditions would require petitioners to reduce TCE exposure levels to the interim ECEL of 0.2 ppm, the final rule effectively requires the use of personal protective equipment that cannot feasibly be worn all day, and therefore could cause petitioners to cease operations. Although EPA does not concede these allegations, petitioners have raised significant legal challenges and allege significant harms as a result of the workplace conditions required by the final rule's TSCA section 6(g) exemptions.

In the final rule, EPA determined that the petitioners' uses, along with several other uses, would be given exemptions under TSCA section 6(g). 89 FR at 102610. Specifically, EPA determined that banning the use of TCE as a processing aid for lead acid battery separator manufacturing would significantly disrupt the national economy, national security, or critical infrastructure under TSCA section 6(g)(1)(B), and that the use of TCE as a

processing aid for specialty polymeric microporous sheet material manufacturing is a critical or essential use for which no technically and economically feasible safer alternative is available, taking into consideration hazard and exposure under TSCA section 6(g)(1)(A). EPA similarly found that several other uses met the criteria at either TSCA section 6(g)(1)(B) or 6(g)(1)(A). EPA placed conditions on these uses that protect workers while achieving the purposes of the exemptions. 89 FR at 102633–35. EPA finalized these exemptions after careful consideration of the comments submitted by petitioners, and others, and the exemptions are intended to permit these critical activities to continue. EPA has reconsidered its position regarding the interim workplace conditions since its January 15, 2025, denial in light of the petitions for review and is concerned that critical uses may be disrupted if the identified portions of the final rule go into effect. That would be contrary to the purpose of the exemptions, and the EPA believes a limited postponement of the effective date for these aspects of the final rule to preserve the status quo for those uses with TSCA section 6(g) exemptions is warranted in light of the pending judicial review.

Moreover, a limited postponement that maintains the status quo for these uses appropriately balances the alleged harm to petitioners and other entities with critical uses against the public interest in the health protections that will be afforded by the broader TCE prohibitions and workplace protections going into effect. Because this action will not delay the implementation of other requirements that bear no impact on the specific activities of the administrative petitioners and of persons who conduct other critical uses, the EPA has determined that the balance of harms weighs in favor of a narrowly tailored postponement. This limited postponement of the effective date is required to ensure that the parties can ultimately obtain an adequate judicial remedy.

Authority: 5 U.S.C. 705 and 15 U.S.C. 2605(a).

Lee Zeldin

Administrator.

[FR Doc. 2025–05641 Filed 3–31–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2024–0197; FXMB12310700000–256–FF07M01000]

RIN 1018–BG70

Migratory Bird Subsistence Harvest in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are revising the migratory bird subsistence harvest regulations in Alaska. Subsistence harvest regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and establish when and where the harvesting of certain migratory birds may occur within each subsistence region. Subsistence harvest regulations, including the changes set forth in this document, were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives.

DATES: This rule is effective on April 2, 2025.

ADDRESSES: You may inspect the comments received on the Migratory Bird Subsistence Harvest in Alaska proposed rule at the Federal eRulemaking Portal: *https://www.regulations.gov* in Docket No. FWS–R7–MB–2024–0197.

FOR FURTHER INFORMATION CONTACT: Wendy Loya, U.S. Fish and Wildlife Service, 1011 E Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 227–2942.

SUPPLEMENTARY INFORMATION:

Background

The Migratory Bird Treaty Act of 1918 (MBTA, 16 U.S.C. 703 *et seq.*) was enacted to protect migratory birds and gives the Secretary of the Interior the authority to regulate the harvest of certain migratory birds. The law further authorizes the Secretary to issue regulations to ensure that the indigenous inhabitants of the State of Alaska may take certain migratory birds and collect their eggs for nutritional and other essential needs during seasons established by the Secretary to provide for the preservation and maintenance of these migratory birds (16 U.S.C. 712(1))

The take of migratory birds for subsistence uses in Alaska occurs primarily during the spring and summer, a timeframe not included in the fall and winter general migratory game bird hunting regulations for the United States. Regulations governing the subsistence harvest of migratory birds in Alaska are located in title 50 of the Code of Federal Regulations (CFR) in part 92. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds and establish when and where the harvesting of certain birds in Alaska may occur within each subsistence region.

The migratory bird subsistence harvest regulations are developed cooperatively. The Alaska Migratory Bird Co-Management Council (AMBCC) consists of the Service, the Alaska Department of Fish and Game (ADFG), and Alaska Native representatives. The AMBCC's primary purpose is to develop recommendations pertaining to the subsistence harvest of migratory birds.

This rule incorporates changes to the subsistence harvest regulations that were recommended by the AMBCC in 2024 as described below.

Comments Received on the Proposed Rule

Per the collaborative process described above, we published a proposed rule to update the regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer (90 FR 7066; January 21, 2025). By the end of the comment period on the proposed rule, we received seven comments. Some of the comments pertained to issues that are outside the scope of this rulemaking action; we hereby respond to the relevant issues that were raised in the public input. We made no changes to the proposed rule as a result of the input we received via the public comments (see Final Regulations, below, for more information).

Issue: Two commenters believe that there should not be a legal subsistence harvest opportunity for migratory birds in Alaska.

Response: For millennia, indigenous inhabitants of Alaska have harvested migratory birds for subsistence purposes during the spring and summer months. The U.S. treaties with Canada and Mexico were amended for the express purpose of allowing subsistence harvest of migratory birds during these months. The MBTA allows for the lawful and sustainable harvest of migratory birds per annual hunting regulations. Spring-summer subsistence and fall-winter hunting regulations are reviewed each year, the impacts of which are monitored by annual population and harvest surveys.

Issue: One commenter expressed concern that the Service should not be funded to authorize this harvest of migratory birds.

Response: The MBTA allows the Secretary of the Interior to authorize the take, including subsistence harvest, of migratory birds if the Secretary determines the status of the birds is sufficient to allow such take. The Service, as the primary agency supporting this authority for the Secretary, promulgates regulations each year that allow the hunting of certain species of migratory game birds. This function is a basic and foundational responsibility of the Service.

Issue: One commenter recommended that the Alaska Native names of birds should be added to the bird species list in these regulations.

Response: Alaska has more than 20 distinct Native languages, so adding all languages to the bird species list in 50 CFR 92.22 would not be practical. The Service makes a concerted effort to include the Alaska Native names of birds in education and outreach materials, especially materials for species closed to harvest.

Issue: One commenter recommended that the Service should enforce laws and regulations surrounding illegal hunting and encourage permits/licenses for subsistence hunting.

Response: To decrease risk of illegal harvest of protected species, the Service relies on public education and outreach to describe species closed to harvest. Please see page 27 of Regulations for the 2024 Alaska Subsistence Spring/Summer Migratory Bird Harvest (available in the docket on *www.regulations.gov*) as an example of public outreach to protect threatened spectacled and Steller's eiders (U.S. Fish and Wildlife Service 2024). A State hunting license and a State duck stamp are required for most hunters, if 18 years of age or older and hunting waterfowl, although a Federal duck stamp is not required (16 U.S.C. 718a(2)(D)). The Service also monitors and enforces hunting regulations through its Office of Law Enforcement.

Issue: Two commenters recommended keeping the harvest reporting requirements in the Kodiak Island Roaded Area (KIRA).

Response: Reporting requirements are not part of customary and traditional hunting practices, may be a barrier to indigenous participation, and are costly to administer. Harvest reporting requirements are not a requirement of the spring-summer subsistence harvest in Alaska (except in one harvest area: Prince William Sound Area East), and it would be inefficient and ineffective to continue to require it for the KIRA once the permit requirement is removed. A short-term permit and reporting requirement was instituted in the KIRA to measure the level of hunter participation during an experimental hunt from 2021 through 2024. The permit and reporting requirement was not intended to extend beyond the experimental hunt period, but instead was used to inform the decision on whether to make the KIRA open to harvest during the spring-summer period. The permit and reporting requirement demonstrated that both numbers of harvesters and birds/eggs harvested were low. Maintaining a reporting requirement when the permit is not required would be unnecessarily burdensome to hunters.

Issue: One commenter expressed concern over the availability of lead shot and believes that it should be removed from stores and its replacement with nontoxic shot should be funded by the government.

Response: The nationwide ban on the use of lead shot for hunting waterfowl occurred in 1991. The Service's Office of Law Enforcement and law enforcement officers of the National Wildlife Refuge System work with State law enforcement personnel to check waterfowl hunters during the Alaska spring-summer subsistence and fall-winter general seasons for use of nontoxic ammunition. The Service has also worked with vendors in rural Alaska to reduce lead shot availability and sales during the migratory bird hunting seasons.

Issue: Five commenters expressed general support of the process, compliance with Federal regulations, or analyses of effects of the harvest.

Response: The Service appreciates the commenters' general support of the process, compliance with Federal regulations, and analyses of effects of the Alaska subsistence spring-summer migratory bird harvest.

Final Regulations

We are making no changes to the regulatory revisions proposed in our January 21, 2025, proposed rule (90 FR 7066) as a result of the input we received via the public comments. We are, however, making changes to the regulations at §§ 92.6 and 92.31 to make additional updates to species names. In § 92.6, we update the names for two birds that we overlooked in the list of bird species authorized for authentic Native articles of handicraft or clothing (double-crested cormorant and mew gull), and in § 92.31, we update one bird in the list of species open to harvest in the Gulf of Alaska region, Prince William Sound Area East (mew gull). These additional revisions are further discussed below in this document.

The rule sets forth the following revisions to the regulations for the taking of certain migratory birds for subsistence uses in Alaska during the spring and summer.

Revision to Subpart A

In 50 CFR part 92, subpart A (General Provisions), we correct a reference to the United States Code (U.S. Code). The current definition for *Alaska Native* in § 92.4 incorrectly references 16 U.S.C. 1602(b), which refers to section 3(b) of the Alaska Native Claims Settlement Act. The Alaska Native Claims Settlement Act is found in title 43 not title 16 of the U.S. Code. Therefore, the definition needs to be corrected to reference 43 U.S.C. 1602(b).

Revisions to Subpart C

In 50 CFR part 92, subpart C (General Regulations Governing Subsistence Harvest), we clarify the language regarding regional species closures, remove a species from the list of subsistence migratory bird species, and update the common and or scientific names of three species.

First, we clarify that the list of species open to subsistence harvest in § 92.22 may have additional region-specific harvest restrictions that do not appear in the list of subsistence migratory bird species. The language in the introductory paragraph in § 92.22 states that the only exceptions to the species open to harvest is a regional closure in Southeast Alaska for the harvest of all migratory bird species except glaucous-winged gulls for egg harvesting only. While this provision was accurate at the time the regulation was initially promulgated, current regulations include other regional species-specific harvest restrictions, some of which are included in the Statewide list of subsistence migratory bird species at § 92.22. For example, for tundra swans, the regulation at § 92.22(a)(7) states that these birds and their eggs may be harvested except in Units 9(D) and 10. However, some regions in Alaska have species-specific harvest restrictions that are not listed in the Statewide list of subsistence migratory bird species and are found only in § 92.31 (Region-specific regulations). For example, in the Gulf of Alaska region's Prince William Sound Area East (§ 92.31(j)(2)(iii)), most non-waterfowl species are closed to harvest, but these restrictions can be found only in the region-specific regulations. Given this ambiguity, we are revising the language in the introductory paragraph of § 92.22

to clarify that regional species-specific harvest restrictions may exist in the region-specific regulations.

Second, we are revising the list of subsistence migratory bird species in § 92.22 to reflect the AMBCC's recommendation to close emperor goose harvest Statewide. In 2016, the AMBCC adopted an Emperor Goose Management Plan (Plan) to guide regulations for a spring-summer subsistence harvest of emperor geese and their eggs, which were opened to legal harvest in spring 2017. The Plan was developed in conjunction with the revised Pacific Flyway Council Management Plan for Emperor Geese (2016) that prescribes recommendations for the fall-winter hunting regulations. The two management plans complement each other and use the same population assessment methods, population objectives, and regulatory thresholds in their respective harvest strategies. The harvest strategy in the Plan uses the indicated total bird index (index) from the Yukon-Kuskokwim Delta Coastal Zone (Coastal Zone) survey that the Service conducts to assess population status relative to established thresholds. The harvest strategy specifies that the spring-summer subsistence emperor goose season will be open if the Coastal Zone index from the previous year is greater than 23,000 birds, and harvest will be closed if the index is below that threshold. If the Coastal Zone index is between 23,000 and 28,000 birds, the AMBCC will consider implementing regulatory or nonregulatory conservation measures. The 2024 Coastal Zone index was 18,788 (95 percent confidence interval of 16,589–20,988) birds, which is below the harvest closure threshold of 23,000 birds. Thus, the AMBCC recommended that the 2025 spring-summer subsistence season be closed to harvesting emperor geese. This recommendation was supported by the Pacific Flyway Council and the Service Regulations Committee (SRC) in November 2024 and intended for implementation beginning with the 2025 subsistence harvest season. Therefore, we are removing emperor geese from the list of subsistence migratory bird species open to harvest in § 92.22.

Third, we are updating the list of bird species allowed for use in creating authentic articles of handicraft or clothing in § 92.6 and the list of subsistence migratory bird species in § 92.22 to incorporate changes in the list of birds protected by the MBTA at 50 CFR 10.13. On July 31, 2023, we published in the **Federal Register** (88 FR 49310) a revised list of migratory birds protected under the MBTA by adding or removing species or changing species names. Reasons for the changes to the list in § 10.13 included revised taxonomy and new evidence of natural occurrence or absence in the United States or U.S. territories. That rule went into effect on August 30, 2023. The revised list had updated nomenclature for two species on the list of bird species at § 92.6 and three species on the list of subsistence migratory bird species at § 92.22.

Therefore, to be consistent with the list in § 10.13, we are changing the common and scientific names of mew gull and changing the scientific names for two species of cormorants, pelagic and double-crested, in §§ 92.6 and 92.22. The species formerly named mew gull has been split into two species, the common gull (*Larus canus*), which primarily occurs in Europe and Asia, and the short-billed gull (*Larus brachyrhynchus*), which occurs in North America. Therefore, we are replacing mew gull (*Larus canus*) with short-billed gull. Pelagic and double-crested cormorants formerly shared the genus name Phalacrocorax, but now this genus has been split into multiple genera. We are updating the scientific names of pelagic cormorant to *Urile pelagicus* and double-crested cormorant to *Nannopterum auritum.*

Revisions to Subpart D

In part 92, subpart D (Annual Regulations Governing Subsistence Harvest), we are revising the regulations in § 92.31 to reflect the AMBCC's recommendation to eliminate the permit and reporting requirement in the KIRA and to change the species names for mew gulls. In 2021, spring-summer subsistence harvesting of migratory birds and eggs was opened experimentally for 3 years (2021–2023) in the Kodiak Archipelago region's KIRA by registration permit with a harvest reporting requirement. The Service requested that the AMBCC evaluate harvest information from the experimental seasons before a season could be considered for operational status. In October 2023, the SRC recommended extending the experimental season by 1 year through 2024 to provide hunting opportunity while the AMBCC completed their review. An announcement was published in the **Federal Register** on May 1, 2024 (89 FR 35010), to inform the public of the 1-year extension.

Following the 2023 subsistence season, the AMBCC evaluated the harvest data from the experimental period. Based on permit report data, the AMBCC determined that harvest was low during the experimental period; the average annual harvest of migratory birds and eggs in the KIRA during 2021–2023 was 122 birds and 100 eggs. For context, the data can be compared to the reported harvest from the last survey of the Kodiak Archipelago region in 2020. Residents in communities of the Kodiak Roaded Area subregion (communities that occur on the road system but hunted outside the KIRA) harvested 3,812 migratory birds and 2,612 eggs during that spring-summer season (Naves and Mengak 2023). Assuming KIRA permit registrants in 2021–2023 were residents of the KIRA, and their hunt effort was similar to 2020, average annual migratory birds and eggs harvested during the experimental period represented 3 percent of total birds (122 of 3,812) and 4 percent of total eggs (100 of 2,612) harvested in the subregion. Based on this information, the AMBCC concluded that an operational spring-summer hunt in the KIRA was unlikely to significantly increase harvest in the Kodiak Archipelago region.

Participation in the permit hunt was low and slightly increased over the experimental period, evidenced by issued permits: 46 in 2021, 58 in 2022, and 64 in 2023. The AMBCC noted that the increase in participants over the experimental period was minimal, but future participation will be difficult to measure without a permit requirement. However, the AMBCC also recognized that a change in participation may be indirectly monitored through public reports to Tribal organizations, the Kodiak City government, local law enforcement, ADFG, and the Service. If the increase is significant, the AMBCC may consider future surveys to assess change in hunter participation, and if warranted, propose regulatory changes. Nonetheless, given the low harvest during the experimental season, the AMBCC recommended eliminating the permit and harvest reporting requirement, acknowledging that such requirements are not part of customary and traditional hunting practices, may be a barrier to indigenous participation, and are costly to administer.

The AMBCC recommended retaining the species closures for Aleutian terns, Arctic terns, short-billed gulls, and emperor geese within the KIRA to protect species of conservation concern. Aleutian tern nesting colonies have declined by more than 80 percent in Alaska over the last 20 years, and only a few colonies remain on Kodiak Island. The largest colonies are within the KIRA, and implementing protective regulations for this species is a priority of the AMBCC. Further, to offer

additional protection for Aleutian terns, the season for Arctic terns and short-billed gulls, which nest in the same areas as Aleutian terns, will remain closed to harvest to reduce accidental harvest and colony disturbance of Aleutian terns. The KIRA will also remain closed to emperor geese, a species of management concern, given that an open season may increase harvest for emperor geese along the road system.

On May 22, 2024, the AMBCC recommended an amendment to the regulations for the Kodiak Archipelago region to remove the permit and reporting requirements, retain the four species closures, and make the season operational in the KIRA. This regulatory amendment was supported by the Pacific Flyway AMBCC and the SRC in November 2024 and intended for implementation beginning with the 2025 subsistence season.

Compliance With the MBTA and the Endangered Species Act

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that: (1) Regulations continue to protect threatened species, (2) measures to address documented threats are implemented, and (3) the subsistence community and other conservation partners commit to working together.

Mortality, sickness, and poisoning from lead exposure have been documented in many waterfowl species, including threatened spectacled eiders (*Somateria fischeri*) and the Alaska-breeding population of Steller's eiders (*Polysticta stelleri*). While lead shot has been banned nationally for waterfowl hunting since 1991, Service staff have documented the availability of lead shot in waterfowl rounds for sale in communities on the Yukon-Kuskokwim Delta and North Slope. The Service will work with partners to increase our education, outreach, and enforcement efforts to ensure that subsistence waterfowl hunting is conducted using nontoxic shot.

Conservation Under the MBTA

We have monitored subsistence harvest for several decades through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon-Kuskokwim Delta. Based on our monitoring of the migratory bird species and populations taken for subsistence, we find that this rule will provide for the preservation and maintenance of migratory birds as required by the MBTA. Communication and coordination with the AMBCC and the Pacific Flyway Council have aided in the establishment of hunting regulations to ensure the long-term viability of the migratory birds exposed to harvest.

Endangered Species Act Consideration

Spectacled eiders and the Alaska-breeding population of Steller's eiders are listed as threatened species under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird harvest is open in Alaska. Neither species is included in the list of subsistence migratory bird species at § 92.22; therefore, both species are closed to subsistence harvest. Under §§ 92.21 and 92.32, the Service may implement emergency closures, if necessary, to protect Steller's eiders or any other endangered or threatened species or migratory bird population.

Section 7 of the ESA requires the Secretary of the Interior to review other programs administered by the Department of the Interior and utilize such programs in furtherance of the purposes of the ESA. The Secretary is further required to ensure that any action authorized, funded, or carried out by the Department of the Interior is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat.

The Service's Alaska Region Migratory Bird Management Program conducted an intra-agency consultation with the Service's Northern Alaska Fish and Wildlife Field Office on the proposed rule (90 FR 7066; January 21, 2025). The consultation was completed with a biological opinion that concluded these rulemaking actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. Therefore, we have determined that this rule complies with the ESA.

Immediate Effective Date

This rule takes effect on the date set forth above in **DATES**. To respect the subsistence hunt of many rural Alaskans, either for their cultural or religious exercise, for providing sustenance, or for acquiring materials for cultural use (*e.g.,* handicrafts), the Department of the Interior finds that it is in the public interest to make this rule effective as soon as possible. Delaying the effective date for 30 days would have detrimental effects on Alaskans seeking to conduct subsistence harvest of migratory birds. Within the terms of 5 U.S.C. 553(d)(1) of the Administrative Procedure Act (APA), the regulations in 50 CFR part 92 recognize a statutory exemption provided to rural Alaskans for the subsistence harvest of migratory birds, and this final rule relieves a restriction by removing a permit and reporting requirement. For these reasons, under the authority of the APA and the MBTA, this rule takes effect immediately upon publication in the **Federal Register**.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866, as reaffirmed by E.O. 13563, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required. The regulations at 50 CFR part 92 legalize a preexisting subsistence activity. The commodities that are regulated under these regulations are migratory birds, and the resources harvested are consumed. This rule makes only modest changes to the current regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Will not have an annual effect on the economy of $100 million or more. The regulations at 50 CFR part 92 legalize the subsistence harvest of migratory birds and, as such, do not involve commodities traded in the marketplace. This rule will not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns.

(b) Will not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or

geographic regions. This rule does not deal with traded commodities and, therefore, will not have an impact on prices for consumers.

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule deals with the harvesting of wildlife for personal consumption. It will not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, State, or Tribal governments or private entities. The rule will not have a significant or unique effect on local, State, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the AMBCC requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. When funding permits, the Service makes annual grant agreements available to the partner organizations and the ADFG to help offset their expenses. However, this rule does not revise any regulations pertaining to participation in the regulatory process.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this rule does not have significant takings implications. The regulations at 50 CFR part 92 are not specific to particular landownership but instead apply to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The Service worked with the State of Alaska to develop these regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 9, 2000), ''Consultation and Coordination with Indian Tribal Governments,'' and Department of the Interior policy on Consultation with Indian Tribes (December 1, 2011), we sent letters via electronic mail to all 229 Alaska federally recognized Indian Tribes. Consistent with congressional direction (Pub. L. 108–199, div. H, sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108–447, div. H, title V, sec. 518, Dec. 8, 2004, 118 Stat. 3267), we also sent letters to approximately 200 Alaska Native Corporations and other Tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, educational programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has previously approved the information collection requirements associated with subsistence harvest reporting and assigned the following OMB control numbers:

- Alaska Migratory Bird Subsistence Harvest Household Survey, OMB Control Number 1018–0124 (expires July 31, 2027), and
- Regulations for the Taking of Migratory Birds for Subsistence Uses in Alaska, 50 CFR part 92, OMB Control Number 1018–0178 (expires July 31, 2027).

National Environmental Policy Act Consideration (42 U.S.C. 4321 et seq.)

The regulations at 50 CFR part 92 and options are considered in the environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2025 Spring/Summer Harvest.'' Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This rule is not a significant regulatory action under this Executive order; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. This rule will not have any effect on energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a statement of energy effects is not required.

References Cited

Naves, Liliana C. and Lara, F. Mengak. 2023. Bird and Egg Harvest on the Aleutian-Pribilof Islands and the Kodiak Archipelago, 2020. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 493, Anchorage.

U.S. Fish and Wildlife Service. 2024. Regulations for the 2024 Alaska Subsistence Spring/Summer Migratory Birds Harvest.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the U.S. Fish and Wildlife

Service amends 50 CFR part 92 as set forth below:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

■ 2. Amend § 92.4 by revising the definition of ''Alaska Native'' to read as follows:

§ 92.4 Definitions.

* * * * *

Alaska Native means the same as ''Native,'' defined in section 3(b) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1602(b).

* * * * *

■ 3. Amend § 92.6 by revising paragraphs (b)(1)(xv) and (xxii) to read as follows:

§ 92.6 Use and possession of migratory birds.

* * * * *

(b) * * *

(1) * * *

(xv) Double-crested cormorant (*Nannopterum auritum*).

* * * * *

(xxii) Short-billed gull (*Larus brachyrhynchus*).

* * * * *

■ 4. Amend § 92.22 by:

■ a. Revising the introductory text;

■ b. Removing paragraph (a)(1);

■ c. Redesignating paragraphs (a)(2) through (33) as paragraphs (a)(1) through (32); and

■ d. Revising paragraphs (i)(6) and (l)(1) and (2).

The revisions read as follows:

§ 92.22 Subsistence migratory bird species.

You may harvest birds or gather eggs from the following species, listed in taxonomic order, within all included areas except where region-specific harvest restrictions apply as set forth in § 92.31. When birds are listed at the species level, all subspecies existing in Alaska are also open to harvest. All bird species not listed are closed to harvesting and egg gathering.

* * * * *

(i) * * *

(6) Short-billed Gull (*Larus brachyrhynchus*).

* * * * *

(l) * * *

(1) Double-crested Cormorant (*Nannopterum auritum*).

(2) Pelagic Cormorant (*Urile pelagicus*).

* * * * *

■ 5. Amend § 92.31 by:

■ a. In paragraph (e), revising the introductory text; and

■ b. In paragraph (j)(2)(iii), removing the words ''mew gulls'' and adding in their place the words ''short-billed gulls''.

The revision reads as follows:

§ 92.31 Region-specific regulations.

* * * * *

(e) *Kodiak Archipelago region.* No hunting or egg gathering for Arctic terns, Aleutian terns, short-billed gulls, and emperor geese is allowed in the Kodiak Island Roaded Area. The Kodiak Island Roaded Area consists of that portion of Kodiak Island (including exposed tidelands) south of a line from Termination Point along the north side of Cascade Lake to Anton Larsen Bay and east of a line from Crag Point to the west end of Saltery Cove. Marine waters adjacent to the Kodiak Island Roaded Area within 500 feet from the water's edge are included in the Kodiak Island Roaded Area. The Kodiak Island Roaded Area does not include islands offshore of Kodiak Island.

* * * * *

Maureen Foster,

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

[FR Doc. 2025–05689 Filed 4–1–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 250327–0056]

RIN 0648–BN41

Pacific Halibut Fisheries of the West Coast; 2025 Catch Sharing Plan and Recreational Fishery Management Measures

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

ACTION: Final rule.

SUMMARY: This final rule approves changes to the Pacific Halibut Catch Sharing Plan (CSP) for the International Pacific Halibut Commission's (IPHC) regulatory Area 2A off Washington, Oregon, and California. In addition, the rule implements new management measures for the 2025 recreational fisheries in Area 2A, including the recreational fishery season open dates and subarea allocations for Area 2A. This action also adds a new inseason management provision that explicitly allows for the inseason transfer of anticipated uncaught recreational fishery allocation from the Northern California subarea to the South of Point Arena subarea. These actions are intended to conserve Pacific halibut, while providing additional angler opportunity to achieve the Area 2A allocation set by the IPHC.

DATES: This rule is effective April 3, 2025.

ADDRESSES: This rule is accessible via the Office of the Federal Register website at *https://www.federalregister.gov/.* Background information is available at the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/region/west-coast* and the Catch Sharing Plan and other related documents at the Pacific Fishery Management Council's (Council) website at *https://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Melissa Mandrup, phone: 562–980–3231 or email: *melissa.mandrup@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773–773k, gives the Secretary of Commerce responsibility for implementing the provisions of the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Halibut Convention, signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention, (signed at Washington, DC, on March 29, 1979), including adopting regulations to carry it out (16 U.S.C. 773c). Additionally, the Halibut Act gives relevant regional fishery management councils the authority to develop regulations governing Pacific halibut fishing in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations, which ''shall only be implemented with the approval of the Secretary.'' (*Id.* 773c(c)). The statute also provides that the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention. (*Id.* 773b). The annual management measures are then published in the **Federal Register** (50 CFR 300.62).

At its annual meeting held January 27–31, 2025, the IPHC adopted an Area

2A catch limit, also known as the fishery constant exploitation yield (FCEY), of 1.53 million pounds (lb) or 694.0 metric tons (mt) of Pacific halibut. The FCEY was derived from the total constant exploitation yield (TCEY) of 1.65 million lb (748.4 mt) for Area 2A, which includes commercial discards and bycatch estimates calculated using a formula developed by the IPHC. The Area 2A TECY, FCEY and commercial and recreational fishery allocations (in net weight [1]) were adopted by the IPHC and were accepted by the Secretary of State, with concurrence from the Secretary of Commerce on March 14, 2025. This final rule implements the 2025 recreational fishery subarea allocations (*e.g.,* Washington North Coast subarea, Oregon Central Coast subarea, Northern California Coast subarea) for Area 2A based on the 2025 Area 2A FCEY, which was adopted by the IPHC and published in the **Federal Register** on March 21, 2025 (90 FR 13293). Additionally, the March 21, 2025, final rule (90 FR 13293) contains annual domestic management measures (*e.g.,* logbook requirements) and IPHC regulations that are published each year under NMFS's authority to implement the Halibut Convention (50 CFR 300.62).

Since 1988, the CSP has allocated the IPHC regulatory Area 2A Pacific halibut FCEY between treaty Tribal and non-Tribal harvesters and among non-Tribal commercial and recreational (sport) fisheries. At 50 CFR 300.63 *et seq.,* NMFS has implemented certain provisions of the CSP. NMFS also issues rules containing annual management measures consistent with the CSP. In 1995, a long-term Area 2A CSP took effect (60 FR 14651, March 20, 1995). NMFS has been promulgating adjustments to the Area 2A CSP, based on Council recommendations, each year, to address the changing needs of these fisheries. While the full CSP is not published in the **Federal Register**, it is made available on the Council website: *https://www.pcouncil.org/managed_fishery/pacific-halibut/.*

This rule finalizes changes to the 2025 Area 2A CSP, which were developed through the Council's public process over multiple meetings. The changes to the CSP were detailed in the proposed rule and are not repeated here (89 FR 104959, 104960–104961 (December 26, 2024)).

This rule also implements the 2025 recreational Pacific halibut fishery management measures, which include season opening and closing dates, bag limits, and a new inseason provision for the California recreational subareas that allows for the transfer of any projected unused Northern California subarea allocation to the South of Point Arena subarea, prior to or by the end of the Northern California fishing season (November 15).

These management measures are consistent with the recommendations made by the Council for the 2025 CSP and the season dates recommended by the Oregon Department of Fish and Wildlife (ODFW) during the proposed rule's public comment period.

2025 Annual Recreational Management Measures

This rule finalizes recreational fishery management measures consistent with the revisions to the 2025 CSP. If there is any discrepancy between the CSP and regulations, the regulations take precedence. These provisions may be modified through inseason action consistent with 50 CFR 300.63(c). All recreational fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the allocation for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch. The 2025 recreational fishing subareas, allocations (in net weight), fishing dates, and daily bag limits are described below.

Washington Puget Sound and the U.S. Convention Waters in the Strait of Juan de Fuca

The Pacific halibut recreational fishing allocation for landings into ports in Puget Sound and the U.S. waters in the Strait of Juan de Fuca subarea is 79,772 lb (36.2 mt).

(a) The Puget Sound subarea is open 7 days a week from April 3 through June 30. If the subarea allocation remains for at least another full day of fishing after June 30, NMFS may take inseason action to reopen the fishery in August, up to 7 days per week, through September. The subarea will close when there is not sufficient subarea allocation for another full day of fishing. If the Puget Sound subarea season is closed prior to September 30 and there is insufficient allocation for an additional fishing day, then any remaining Puget Sound subarea allocation may be transferred inseason to another Washington coastal subarea by NMFS. Any inseason action, including closures and intrastate subarea allocation transfers, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206 526–6667 or (800) 662–9825.

(b) The daily bag limit is one Pacific halibut of any size per person.

Washington North Coast Subarea

The allocation for landings into ports in the Washington North Coast subarea is 130,409 lb (59.2 mt).

(a) The Washington North Coast fishery is open:

- May 1, 2, 3, 8, 9, 10, 15, 16, 17 (Thursday, Friday, Saturday);
- May 23, 24, 25 (Friday, Saturday, Sunday—Memorial Day weekend);
- May 29, 30, 31 (Thursday, Friday, Saturday); and
- June 1, 5, 6, 7, 8, 12, 13, 14, 15, 19, 20, 21, 22, 26, 27, 28, 29 (Thursday, Friday, Saturday, Sunday).

If the subarea allocation remains for at least another full day of fishing after June 30, NMFS may take inseason action to reopen the fishery in August, up to 7 days per week, through September. The area will be closed when there is not sufficient subarea allocation for another full day of fishing. If the fishery is closed prior to September 30 and there is insufficient allocation remaining to reopen for another fishing day, then any remaining allocation may be transferred inseason to another Washington coastal subarea by NMFS. Any inseason action, including closures and intrastate subarea allocation transfers, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is one Pacific halibut of any size per person.

Washington South Coast Subarea

The Pacific halibut recreational fishing allocation for landings into ports in the Washington South Coast subarea is 65,117 lb (29.5 mt).

(a) The Washington South Coast primary fishery is open:

- May 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 25, 27, 29 (Thursday, Sunday, Tuesday); and
- June 12, 15, 17, 19, 22, 24, 26, 29 (Thursday, Sunday, Tuesday).

The fishery will close when there is not sufficient subarea allocation for another full day of fishing. If the subarea allocation remains for at least another full day of fishing after June 30, NMFS may take inseason action to reopen the fishery in August, up to 7 days per

[1] ''Net weight'' of a Pacific halibut means ''the weight of Pacific halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a Pacific halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head'' (*https://www.iphc.int/uploads/2025/02/IPHC-Fishery-Regulations-2025-5-Feb-2025.pdf*).

week, through September. The area will be closed when there is not sufficient subarea allocation for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

When the South Coast subarea primary fishery does not have sufficient allocation to open for at least another full day of fishing, any remaining primary fishery allocation will be used to open a nearshore fishery. The nearshore fishery will open the first Saturday after the closure of the primary fishery and will be open seven days per week until there is not sufficient nearshore fishery allocation remaining for another full day of fishing, at which point the area will be closed.

If the primary fishery is closed prior to September 30 and there is not sufficient allocation remaining for at least a full day of fishing in the nearshore fishery, NMFS may take inseason action to transfer any remaining subarea allocation to another Washington coastal subarea.

Any inseason action, including closures and intrastate subarea allocation transfers, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is one Pacific halibut of any size per person.

Columbia River Subarea

The Pacific halibut recreational fishing allocation for landings into ports in the Columbia River subarea is 19,087 lb (8.7 mt), with 18,587 lb (8.4 mt) allocated to the all-depth fishery and 500 lb (0.2 mt) allocated to the nearshore fishery.

(a) The all-depth fishery is open:

- May 1, 2, 4, 8, 9, 11, 15, 16, 18, 22, 23, 25, 29, 30 (Thursday, Friday, Sunday); and
- June 1, 5, 6, 8, 12, 13, 15, 19, 20, 22, 26, 27, 29 (Thursday, Friday, Sunday).

If at least 55 percent of the Columbia River subarea allocation remains as of May 25, 2025, then NMFS may take inseason action to allow the all-depth fishery to open the following additional days:

- June 9, 10, 16, 17, 30 (Monday and Tuesday).

If the all-depth fishery allocation remains for at least another full day of fishing after June 30, NMFS may take inseason action to reopen the fishery in August, up to 7 days per week, through September. The area will be closed when there is not sufficient subarea allocation for another full day of fishing.

The nearshore fishery will be open Monday through Wednesday, following the opening of the all-depth fishery, until the nearshore allocation is taken or September 30, whichever is earlier. On days when the all-depth halibut fishery is closed, taking, retaining, possessing, or landing halibut on groundfish trips is only allowed in the nearshore area.

Once the Columbia River subarea is closed, any remaining Columbia River subarea allocation may be transferred inseason to other Washington or Oregon subareas by NMFS, in proportion to the allocation formula in the CSP, in accordance with Federal regulations at 50 CFR 300.63(c). Any inseason action, including closures and subarea allocation transfers, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is one Pacific halibut of any size per person.

Oregon Central Coast Subarea

The Pacific halibut recreational fishing allocation for landings into ports in the Oregon Central Coast subarea is 295,367 lb (134.0 mt). The nearshore fishery allocation is 10,000 lb (4.5 mt), the spring all-depth fishery allocation is 207,768 lb (94.2 mt), and the summer all-depth fishery allocation is 59,256 lb (26.9 mt).

(a) The nearshore fishery is open 7 days a week from May 1 through October 31. The area will close when there is not sufficient subarea allocation for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

The spring all-depth fishery is open 7 days per week from May 1 through July 31. The area will be closed when there is not sufficient subarea allocation for another full day of fishing. Any closures will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

The summer all-depth fishery is open 7 days a week from August 1 through October 31. The area will close when the remaining combined spring all-depth fishery and summer all-depth fishery allocations in the Oregon Central Coast subarea is not sufficient for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is two Pacific halibut of any size per person.

Southern Oregon Coast Subarea

The allocation for landings into ports in the Southern Oregon subarea is 8,000 lb (3.6 mt).

(a) The fishery is open 7 days a week from May 1 through October 31. The area will close when there is not sufficient subarea allocation for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is two Pacific halibut of any size per person.

Northern California Coast Subarea

The Pacific halibut recreational fishing allocation for landings into ports in the Northern California Coast subarea is 39,280 lb (17.8 mt).

(a) The fishery is open 7 days a week from May 1 through November 15. If the Northern California subarea is not projected to utilize its respective allocation, prior to or by the season ending date, NMFS may take inseason action to transfer any projected unused allocation to the South of Point Arena subarea. The area will close when there is not sufficient subarea allocation for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is one Pacific halibut of any size per person.

South of Point Arena Subarea

The Pacific halibut recreational fishing allocation for landings into ports in the South of Point Arena subarea is 500 lb (0.2 mt).

(a) The fishery is open 7 days a week from May 1 through December 31. The area will close when there is not sufficient subarea allocation for another full day of fishing. Any inseason action, including closures, will be published in the **Federal Register** in accordance with 50 CFR 300.63(c)(6)(iii) and provided/announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825; and

(b) The daily bag limit is one Pacific halibut of any size per person.

Comments and Responses

NMFS published a proposed rule on December 26, 2024 (89 FR 104959) and

requested public comments on the 2025 Area 2A CSP and the proposed 2025 annual management measures. NMFS received one responsive comment and that was from the ODFW.

Comment 1: ODFW submitted a comment recommending the 2025 Central Oregon Coast subarea's spring all-depth recreational fishery season dates and bag limits be those that were included in the proposed rule: May 1–July 31 and 2-fish bag limit. Similarly, ODFW recommended the bag limit for the Southern Oregon subarea to be the proposed 2-fish bag limit. ODFW's recommendations for season dates and bag limits are based on the feedback from a public meeting ODFW conducted following the IPHC annual meeting, as well as on past fishing effort and harvest rates, other fishing opportunities, potential for adverse weather impacts on fishing, and the risk of exceeding the combined spring and summer all-depth fishery allocations.

Response: NMFS appreciates ODFW's public outreach and its recommendations for proposed season dates and bag limits.

Classification

This final rule is consistent with section 773 of the Halibut Act, which gives relevant regional fishery management councils the authority to develop regulations governing Pacific halibut fishing in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations, and that ''shall only be implemented with the approval of the Secretary.'' (*Id.* 773c(c)).

This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule is being issued in compliance with E.O. 14192.

NMFS finds good cause to waive the 30-day delay in the date of effectiveness and make the 2025 Area 2A recreational fishery management measures (*i.e.,* season dates and bag limits) in this rule effective in time for the start of the recreational Pacific halibut fisheries off the coasts of Washington, Oregon and California, on April 3, 2025, pursuant to 5 U.S.C. 553(d)(3). Delaying the effective date of the annual management measures would be contrary to the public interest. This rule implements 2025 Area 2A subarea allocations as published in the proposed rule (89 FR 104959; December 26, 2024) for the recreational Pacific halibut fishery, based on the formulas set in the CSP and using the 2025 Area 2A FCEY for Pacific halibut set by the IPHC and accepted by the Secretary of State, with concurrence from the Secretary of Commerce on March 14, 2025. The compressed timeline necessitated by the processes outlined in the Halibut Act makes it impossible for NMFS to delay the effective date and still allow for a timely start to the fishing season.

Moreover, a delayed effective date is not necessary to provide sufficient notice to the fishing community. The rule does not make changes that would require fishery participants to purchase new gear or make other time-consuming changes. The final rule is virtually unchanged from the proposed rule. NMFS received one comment from ODFW in response to the proposed rule; the comment expressed support for the proposed management measures and no changes were necessary to accommodate the comment.

In light of the compressed timeline necessitated by the Halibut Act processes and the similarity between the proposed and final rules, NMFS finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(3). This final rule also lifts restrictions on fishing, and thus a 30-day delay in effectiveness is not required pursuant to 5 U.S.C. 553(d)(1).

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required for this action and none was prepared.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: March 27, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 300, subpart E, as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority citation for part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.63, redesignate paragraphs (c)(6)(i)(E) and (F) as paragraphs (c)(6)(i)(F) and (G) and add new paragraph (c)(6)(i)(E), to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

* * * * *

(c) * * *

(6) * * *

(i) * * *

(E) If the Northern California recreational (sport) subarea is not projected to utilize its respective allocation prior to or by the season ending date, NMFS may take inseason action to transfer any projected unused allocation to the South of Point Arena subarea.

* * * * *

[FR Doc. 2025–05585 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 90, No. 62

Wednesday, April 2, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2024–0620; FRL–12530–01–R9]

Air Plan Revision; California; Placer County Air Pollution Control District; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Placer County Air Pollution Control District (PCAPCD or ''District'') portion of the California State Implementation Plan (SIP). This revision concerns the District's Clean Air Act (CAA or ''Act'') nonattainment new source review permitting program that regulates construction and modifications of major stationary sources of air pollution in nonattainment areas. We are proposing to approve a local rule that has been revised to address deficiencies previously identified by the EPA in a prior action that included a limited approval/limited disapproval of a prior version of the rule. We are taking comments on this proposal and plan to follow with a final action. Elsewhere in this **Federal Register**, we are making an interim final determination that will defer the imposition of CAA sanctions associated with our previous limited disapproval.

DATES: Comments must be received on or before May 2, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2024–0620 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kira Wiesinger, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 972–3827; email: *wiesinger.kira@epa.gov.*

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

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I. The State's Submittal

A. What rule did the State submit?

On November 15, 2025, the California Air Resources Board (CARB) submitted District Rule 502 to the EPA for approval as a revision to the California SIP.[1] Table 1 lists the rule addressed by this proposal, including the date on which it was adopted by the District and the date on which it was submitted to the EPA by CARB, which is the governor's designee for California SIP submittals.

TABLE 1—SUBMITTED RULE

Rule #	Rule title	Amended	Submitted
502	New Source Review	6/13/24	11/15/24

The EPA has reviewed submitted Rule 502 and finds that it fulfills the completeness criteria of appendix V.[2]

B. Are there other versions of this rule?

The SIP-approved version of Rule 502 is identified in table 2.

[1] Letter dated November 13, 2024, from Steven S. Cliff, Executive Officer, CARB, to Martha Guzman, Regional Administrator, U.S. EPA Region 9 (submitted electronically November 15, 2024).

[2] See EPA Region 9 Completeness Checklist dated December 13, 2024, included in the docket for this proposed rulemaking.

TABLE 2—SIP–APPROVED RULE

Rule #	Rule title	SIP approval date	Federal Register citation
502	New Source Review	9/26/23	88 FR 65816

If the EPA finalizes the action proposed herein, the rule listed in table 2 will be replaced in the SIP by the submitted rule listed in table 1. Additionally, as described below, the EPA's final approval of Rule 502 will resolve our September 26, 2023 limited disapproval of Rule 502 (''2023 NSR Action'')[3] as adopted locally on August 12, 2021.

C. What is the purpose of the submitted rule revision?

The submitted rule constitutes part of the District's program for preconstruction review and permitting of new or modified stationary sources under its jurisdiction. It addresses elements of the new source review (NSR) preconstruction review program requirements applicable to nonattainment areas under part D of title I of the Act (''nonattainment NSR'' or ''NNSR''), the general requirements under section 110(a)(2)(C) of the Act (''minor NSR''), and related EPA regulations. The submitted revisions are intended to resolve deficiencies identified in the 2023 NSR Action.

For more information on the purpose and content of Rule 502, as well as the NNSR and minor NSR requirements applicable to the area, see the 2023 NSR Action and accompanying proposal and technical support document (TSD).[4]

II. The EPA's Evaluation and Proposed Action

A. How is the EPA evaluating the rule?

The EPA has evaluated Rule 502 to determine whether it addresses the deficiencies identified in our 2023 NSR Action. We have also reviewed the submitted revisions for compliance with CAA sections 172(c)(5), 173, 182, and 189, which establish the requirements for stationary source preconstruction permitting programs, including those specifically applicable based on the area's ozone and $PM_{2.5}$ nonattainment classifications, as well as the Federal regulations applicable to stationary source permitting at 40 CFR 51.160 through 51.165.[5] Additionally, the EPA reviewed the rule for consistency with other general CAA requirements for SIP submittals, including requirements at CAA section 110(a)(2)(A) regarding rule enforceability and requirements at CAA sections 110(l) and 193 for SIP revisions. We have also considered whether the rule meets the Federal visibility requirements related to State NNSR programs as described in 40 CFR 51.307.

B. Does the rule meet the evaluation criteria?

The submitted rule complies with the substantive and procedural requirements of CAA section 110(l). With respect to the procedural requirements, based on our review of the public process documentation included with the submitted rule, we find that the District has provided sufficient evidence of public notice and opportunity for comment and public hearings prior to submittal of this SIP revision.

With respect to the substantive requirements of CAA section 110(l), we have determined that our approval of the submitted rule would not interfere with the area's ability to attain or maintain the NAAQS or with any other applicable requirements of the CAA. Similarly, we find that the submitted rule is approvable under section 193 of the Act because it does not modify any control requirement in effect before November 15, 1990, without ensuring equivalent or greater emission reductions. The submitted rule is otherwise consistent with criteria for the EPA's approval of regulations submitted for inclusion in the SIP, including the requirement at CAA section 110(c)(2)(A) that submitted regulations be clear and legally enforceable.

In evaluating the substance of the submitted revisions, we have focused especially on how the changes address the deficiencies described in the 2023 NSR Action. The 2023 NSR Action identified five deficiencies that precluded our full approval of the previous version of Rule 502:

1. The rule did not contain provisions to restrict permitting if the EPA found that the SIP was not being adequately implemented in the area, as required under CAA section 173(a)(4).

2. The definition of the term ''Major Modification'' in section 231 of the rule did not correctly apply the CAA section 182(c)(6) requirements regarding aggregation of net emission increases and incorrectly specified use of potential to emit as the basis for calculating emission increases.

3. The rule did not contain the definition of ''Federal Land Manager'' from 40 CFR 51.165(a)(1)(xlii).

4. The definition of the term ''Major Stationary Source—Sacramento Air Basin'' in section 229 of the rule did not specify a major source threshold for ammonia, which is a $PM_{2.5}$ precursor, as required by 40 CFR 51.165(a)(13). Similarly, the definition of the term ''Major Modification'' in section 231 of the rule was deficient because it relied on the section 229 definition.

5. The definition of ''Sacramento Valley Air Basin'' in section 251 did not include a portion of the federally-defined Sacramento $PM_{2.5}$ nonattainment area, and therefore the rule did not apply the $PM_{2.5}$ NNSR program requirements to that area, as required under CAA section 173.

See the 2023 NSR Action and accompanying proposal and TSD for more information regarding the identified deficiencies.

The PCAPCD addressed the first deficiency by adding a new provision in section 305.3 that prohibits the District from issuing a permit under Rule 502 ''when the EPA Administrator has determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified, in accordance with the requirements of Part D of Title I of the Federal Clean Air Act.'' We propose to find that this revision corrects the identified deficiency.

The District addressed the second deficiency by revising the definition of ''Major Modification'' in section 231 to allow aggregation of a project's nitrogen oxides and volatile organic compounds emissions increases with emissions only from recent projects that resulted in a net emissions increase (rather than allowing aggregation of emissions increases and decreases), and to require

[3] 88 FR 65816 (September 26, 2023).

[4] 88 FR 65816 (September 26, 2023); 88 FR 47409 (July 24, 2023); The TSD can be found in the docket for the 2023 NSR Action at *https://www.regulations.gov/docket/EPA-R09-OAR-2021-0933/document.*

[5] See the 2023 NSR Action and accompanying TSD for additional analysis of how District Rules 501 and 502 satisfy applicable NSR requirements, including the minor NSR requirements.

that net emissions increases be calculated based on increases from baseline actual emissions as defined in section 206 (rather than changes in potential to emit). We propose to find that this revision corrects the identified deficiency.

The District addressed the third deficiency by referencing the definition of the term ''Federal Land Manager'' in 40 CFR 51.165(a)(1)(xlii) in section 304.3. We propose to find that this revision corrects the identified deficiency.

The District addressed the fourth deficiency by revising the definition of ''Major Stationary Source—Sacramento Air Basin'' in section 229 to include any stationary source that emits or has the potential to emit over 100 tons per year of ammonia. We propose to find that this revision corrects the identified deficiency.

The District addressed the fifth deficiency by adding a new provision in section 251.2 that delineates the area boundaries for the Federal $PM_{2.5}$ nonattainment area within the District's jurisdiction. The amended Rule 502 now applies to the entire portion of the Sacramento $PM_{2.5}$ nonattainment area within the District's jurisdiction. We propose to find that this revision corrects the identified deficiency.

The PCAPCD also revised the definition of ''Class I Area'' in section 201 to specify that the term has the same meaning as ''Mandatory Class I Federal Area'' as used in the rule. This revision addresses a recommendation from the 2023 NSR Action for the District to clarify definitions related to visibility impacts consistent with the Federal definition of ''Federal Class I Area'' found in 40 CFR 51.301.

Additionally, the District revised language in sections 301.3 and 301.8 to clarify the rule's emissions offset quantification procedures for modifications that do not trigger Federal NSR permitting thresholds. These revisions relate only to state offset requirements and do not affect requirements for emissions offsets needed for Federal major sources and modifications.

For the reasons stated above, we are proposing to find that the submitted rule corrects the deficiencies described in the 2023 NSR Action and satisfies the applicable CAA and regulatory requirements. We are concurrently making an interim final determination to defer CAA section 179 sanctions associated with the 2023 NSR Action's limited disapproval of Rule 502. Consistent with our order of sanction regulations,[6] our determination is based on this proposal to approve SIP revisions from the District that resolve the deficiencies identified in our prior limited disapproval that triggered sanctions under section 179 of the CAA.

C. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA is proposing a full approval of Rule 502 because it corrects the previously identified deficiencies and continues to satisfy the applicable statutory and regulatory provisions governing regulation of stationary sources, including provisions of CAA sections 110(l), 172(c)(5), 173, 182, 189, and 193, and 40 CFR 51.160 through 51.165 and 51.307.

If finalized as proposed, our action will be codified through revisions to 40 CFR 52.220a (Identification of plan—in part). This action would incorporate the submitted Rule 502 into the SIP.

We will accept comments from the public on this proposal until May 2, 2025.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the rule listed in table 1 of this preamble. PCAPCD Rule 502 implements the District's NNSR permitting program for new and modified major stationary sources of air pollution in nonattainment areas and further described in sections I and II of this preamble. The EPA has made, and will continue to make, this document available electronically through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by State law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by State law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by State law. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction and will not impose substantial direct costs on Tribal governments or preempt Tribal law.

[6] 40 CFR 52.31.

Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. Therefore, this action is not subject to Executive Order 13045 because it is merely proposing a limited approval and limited disapproval of State law as meeting Federal requirements. Furthermore, the EPA's Policy on Children's Health does not apply to this action.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

List of Subjects in 40 CFR Part 52

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

Dated: March 14, 2025.

Cheree D. Peterson,

Acting Regional Administrator, Region IX.

[FR Doc. 2025–05375 Filed 4–1–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 23–328, 16–271, 14–58, 09–197; WT Docket No. 10–208; DA 25–242; FR ID 286514]

Wireless Telecommunications Bureau Seeks Comment on Petition Seeking Clarification and Reconsideration of the Alaska Connect Fund Order

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Wireless Telecommunications Bureau seeks comment on a petition for clarification and reconsideration of the Alaska Connect Fund Order filed by GCI Communication Corp. The petitioner requests that the Federal Communications Commission (Commission) clarify or reconsider aspects of its decision in the ACF Order.

DATES: Oppositions and Comments are due on or before April 17, 2025, and Replies to Opposition and Reply Comments are due April 28, 2025.

ADDRESSES: Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). You may submit comments, identified by WC Docket Nos. 10–90, 23–328, 16–271, 14–58, 09–197 or WT Docket No. 10–208 by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Please contact Matt Warner, Attorney Advisor, Competition and Infrastructure Policy Division, WTB, 202–418–2419, *acf@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice in WC Docket Nos. 10–90, 23–328, 16–271, 14–58, 09–197 and WT Docket No. 10–208; DA 25–242, adopted and released on March 19, 2025. The full text of this document is available at the following internet address: *https://www.fcc.gov/document/wtb-seeks-comment-petition-reconsideration-acf-order.*

Ex Parte Rules. The proceeding this document initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda

summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Amy Brett,

Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2025–05614 Filed 4–1–25; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 90, No. 62
Wednesday, April 2, 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

Rural Housing Service

[Docket No.: RHS–25–MFH–0001]

Amendment of Notice of Funding Availability for Multifamily Housing Programs

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS or Agency), an agency within the United States Department of Agriculture, Rural Development (RD), is amending two program funding opportunities to remove references to the prior Administration's key priorities and DEI (diversity, equity, and inclusion)-related scoring criteria to bring them into compliance with the Executive Order, ''Ending Radical and Wasteful Government DEI Programs and Preferencing'', issued on January 20, 2025. The following funding notices are covered by this amendment: Notice of Funds Availability for the Multifamily Housing Preservation and Revitalization Demonstration Program and for Section 515 Subsequent Loans for Preservation Activities for the Fiscal Year 2024, and Consolidated Multifamily Housing Technical Assistance Grant Program Notice of Funding Availability Fiscal Year 2024. This notice also confirms that previous Administration key priorities will not be considered during application scoring and makes clear that applicants who already have applied need not reapply.

DATES: This notice is applicable April 2, 2025.

ADDRESSES: All addresses remain the same as in the original funding opportunity announcements.

FOR FURTHER INFORMATION CONTACT: For any questions, please contact Daniel J. Rogers, Director, Production & Preservation, Rural Development, Office of Multifamily Housing, at *Daniel.Rogers2@usda.gov* or (202)–400–0127.

SUPPLEMENTARY INFORMATION:

A. Overview

Under the previous Administration, RD established three key priorities that were made public and incorporated into program activities. The RD Key Priorities were incorporated into the funding notices in the following manner. First, a general reference to the Administration's key priorities was included in the introductory section of the RD funding notices.

The previous Administration's RD Key Priorities for discretionary points were generally:

(a) Creating More and Better Market Opportunities. Assisting rural communities to recover economically through more and better market opportunities and through improved infrastructure.

(b) Advancing Racial Justice, Place-Based Equity, and Opportunity. Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects.

(c) Addressing Climate Change and Environmental Justice. Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

Second, the two funding notices made points available or permitted the award of discretionary points related to one or more of the key priorities. The notices provided that these points would or could be considered as part of the application scoring.

RHS has identified the following program funding opportunities, listed in Table 1, that reference the prior Administration's key priorities and/or DEI-related scoring criteria.

TABLE 1

Funding notice	FR citation	Key priorities referenced/scoring
Notice of Funds Availability for the Multifamily Housing Preservation and Revitalization Demonstration Program and for Section 515 Subsequent Loans for Preservation Activities for the Fiscal Year (FY) 2024.	89 FR 79229	Introduction—reference. Scoring—Sections J11, J12, and J13.
Consolidated Multifamily Housing Technical Assistance Grant Program Notice of Funding Availability Fiscal Year 2024.	89 FR 76065	Overview—reference. Scoring—Administration Discretionary Points, Sect. 6 for each program listed in the consolidated notice.

B. Amendments Related to Previous Administration Key Priorities and DEI-Related Scoring Criteria

The funding opportunities identified in Table 1 are hereby amended to remove reference to or consideration of those Key Priorities. In addition, to the extent the program notices made points available or permitted the award of discretionary for meeting the Key Priorities, those points will not be available or awarded.

C. Guidance to Applicants

Applicants do not need to withdraw, submit a new or revised application, or supplement their application. The program will review the application consistent with this notice.

Applicants may direct any questions related to the program funding opportunity to the ''address'' or ''further contact information'' provided in the original notice.

Angilla Denton,

Acting Administrator, Rural Housing Service.

[FR Doc. 2025–05663 Filed 4–1–25; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–18–2025]

Foreign-Trade Zone (FTZ) 82, Notification of Proposed Production Activity; Rohr, Inc.; (Aircraft Products); Foley, Alabama

Rohr, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Foley, Alabama within Subzone 82J. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on March 21, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed foreign-status materials/components include: acoustic bond panel; actuator; actuator kit (actuator, non-locking switch, guide tube, flex shaft, and manual drive unit); air oil cooler panel; silicone bumper; cascade kit (composite pieces formed together in a honeycomb shape for installation on a thrust reverse to circulate airflow to the aircraft engine); control unit; titanium core cowl skin; customer satisfaction unit kit (flex shaft and flex tube); stainless steel deploy tube; aluminum drag link (with inconel spring); aluminum duct; aluminum fairing; stainless steel flex shaft; aluminum hinge beam; hydraulic control unit; inner fixed structure bond panel; aluminum inlet noselip skin; inner bond panel; aluminum latch beam; stainless steel manifold; manual drive unit; aluminum noselip skin; power pack (for powering the hydraulics of the fan cowl units; pressure relief door; proximity sensor; scoop (for funneling air through the bond panel, acting as ventilation for the aircraft engine; silicone rubber seal; seal land (to support the fire seal within the thrust reverser unit); silicone rubber shield (with metal doubler bonded inside); push button switch; tee (track lock piece connection); aluminum top frame; stainless steel track lock; inlet cowl assembly; door assembly; apron assembly; thrust reverser; and aluminum vent. (duty rate ranges from duty-free to 5.3%). The request [also] indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 12, 2025.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Kolade Osho at *Kolade.Osho@trade.gov.*

Dated: March 28, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–05637 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–885, A–570–097]

Polyester Textured Yarn From India and the People's Republic of China: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on polyester textured yarn from India and the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable April 2, 2025.

FOR FURTHER INFORMATION CONTACT: Dawn Shackleford, Trade Agreement Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–5758.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2020, Commerce published the AD orders on polyester textured yarn from India and China.[1] On December 2, 2024, Commerce published the *Initiation Notice* of the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Act.[2] On December 16, 2024, Commerce received notices of intent to participate in these reviews from the domestic interested parties within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed the interested party status pursuant to section 771(9)(C) of the Act as a manufacturer, producer, or wholesaler in the United States of the domestic like product.[4]

On December 27, 2024, Commerce received adequate substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from any respondent interested party. On January 31, 2025, Commerce notified the ITC that it did not receive substantive responses from any respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting expedited (120-day) sunset reviews of the *Orders.*

Scope of the Orders

The product covered by these *Orders* is polyester textured yarn from India and China. For the full description of

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[1] *See Polyester Textured Yarn from India and the People's Republic of China: Amended Final Antidumping Duty Determination for India and Antidumping Duty Orders,* 85 FR 1298 (January 10, 2020) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 95181 (December 2, 2024).

[3] *See* Domestic Interested Party's Letters, ''Five-Year (Sunset) Review of the Antidumping Duty Order on Polyester Textured Yarn from China—Petitioners' Notice of Intent to Participate,'' dated December 16, 2024; ''Five-Year (Sunset) Review of the Antidumping Duty Order on Polyester Textured Yarn from the People's Republic of China (''China'')—Petitioners' Notice of Intent to Participate,'' dated December 16, 2024.

[4] *Id.*

[5] *See* Domestic Interested Party's Letters, ''Five-Year (Sunset) Review of the Antidumping Duty Order on Polyester Textured Yarn from India—Petitioners' Substantive Response to Notice of Initiation,'' dated December 27, 2024; and ''Five-Year (Sunset) Review of the Antidumping Duty Order on Polyester Textured Yarn from the People's Republic of China—Petitioners' Substantive Response to Notice of Initiation.'' dated December 27, 2024.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on December 2, 2024,'' dated January 31, 2025.

the scope of the *Orders, see* the Issues and Decisions Memorandum.[7]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the margins likely to prevail if the *Orders* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[8] A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 47.98 percent for India and up to 77.15 percent for China.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: March 27, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2025–05638 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders on Polyester Textured Yarn from India and the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice.

[8] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–899]

Granular Polytetrafluoroethylene Resin From India: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Investigation; Notice of Amended Final Determination; Notice of Amended Order, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On March 7, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Daikin America, Inc.* v. *United States,* Slip Op. 25–22 Court no. 22–00122, sustaining the U.S. Department of Commerce (Commerce)'s remand redetermination pertaining to the less-than-fair-value (LTFV) investigation of granular polytetrafluoroethylene (PTFE) resin from India covering the period of investigation January 1, 2020, through December 31, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in the investigation, and that Commerce is amending the final determination and the resulting antidumping duty (AD) order with respect to the dumping margin assigned to Gujarat Fluorochemicals Limited (GFCL), and all other producers and exporters of subject merchandise.

DATES: Applicable March 17, 2025.

FOR FURTHER INFORMATION CONTACT: Noah Wetzel, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7466.

SUPPLEMENTARY INFORMATION:

Background

On January 25, 2022, Commerce published its *Final Determination* in the LTFV investigation of granular PTFE resin from India.[1] In the *Final Determination,* Commerce accepted GFCL's allocated movement expenses, as reported, and granted GFCL a constructed export price (CEP) offset. Commerce subsequently published the AD order on granular PTFE from India.[2] On March 14, 2024, the CIT instructed Commerce to reconsider: (1) whether it was feasible for GFCL to report its domestic inland freight, international freight, and domestic inland insurance expenses on a transaction-specific basis based on the sales documentation on the record and, if not, whether the expenses were calculated on as specific a basis as possible and whether the reporting of such expenses does not cause inaccuracies or distortions; and (2) whether GFCL demonstrated its eligibility for a CEP offset.[3]

In its final remand redetermination, issued March 14, 2024, Commerce explained why it was not feasible for GFCL to report movement expenses on a transaction-specific basis, and why GFCL's allocation of these expenses was reasonable, based on its records maintained in the normal course of business, and was not distortive.[4] Also, upon reconsideration, we determined that GFCL had not shown that it was entitled to a CEP offset and we revised GFCL's AD rate to remove the CEP offset adjustment. Based on the change, Commerce calculated a weighted-average dumping margin for GFCL of 10.36 percent for the period of January

[1] *See Granular Polytetrafluoroethylene Resin from India: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 87 FR 3772 (January 25, 2022) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See Granular Polytetrafluoroethylene Resin from India and the Russian Federation: Antidumping Duty Orders,* 87 FR 14514 (March 15, 2022) (*Order*).

[3] *See Daikin America, Inc.* v. *United States,* Court No. 22–00122, ECF No. 42 (CIT March 14, 2024) (Remand Order) at 1.

[4] *See Final Results of Redetermination Pursuant to Court Remand, Daikin America, Inc.* v. *United States,* Consol. Court No. 22–00122, Slip Op. 24–32 (CIT March 14, 2024), dated July 11, 2024 (*Final Redetermination*).

1, 2020, through December 31, 2020.[5] On March 7, 2025, the CIT sustained Commerce's remand redetermination.[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's March 7, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to GFCL and all other producers and exporters of subject merchandise as follows:

Company	Remand weighted-average dumping margin (percent)
Gujarat Fluorochemicals Limited (GFCL)	10.36
All Others	10.36

Amended AD Order

Pursuant to section 735(c)(2) of the Act, Commerce shall issue an AD order under section 736 of the Act when the final determination is affirmative. As a result of this amended final determination, Commerce is hereby amending the *Order* to revise the weighted-average dumping margin assigned to GFCL and all other producers and exporters of subject merchandise, as noted above.

Cash Deposit Requirements

Because GFCL has a superseding cash deposit rate (*i.e.,* there have been final results published in a subsequent administrative review), Commerce will only issue revised cash deposit instructions to U.S. Customs and Border Protection with respect to the rate assigned to all other producers and exporters.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: March 27, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–05639 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Final Redetermination.*

[6] *See Daikin America, Inc.* v. *United States,* Court No. 22–00122, Slip Op. 25–22 (CIT March 7, 2025) (*CIT Decision*).

[7] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[8] See *Diamond Sawblades Manufacturers Coalition* v. United States, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–883]

Certain Hot-Rolled Steel Flat Products From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2022–2023

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR) October 1, 2022, through September 30, 2023.

DATES: Applicable April 2, 2025.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer or Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0410 or (202) 482–3683, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2024, Commerce published in the **Federal Register** the preliminary results of this administrative review of the antidumping duty order [1] on certain hot-rolled steel flat products (hot-rolled steel) from the Republic of Korea (Korea), rescinded the administrative review of 46 companies and invited comments from interested parties.[2] This review covers two producers/exporters of the subject merchandise, Hyundai Steel Company (Hyundai Steel) and POSCO and POSCO International Corporation (PIC) (collectively POSCO/PIC).[3]

On December 9, 2024, Commerce tolled the deadline to issue the final results of review until June 11, 2025.[4] From December 9, 2024, through December 13, 2024, Commerce verified POSCO/PIC's home-market sales and certain U.S. expenses.[5] A summary of the events that occurred since the *Preliminary Results,* as well as a full discussion of the issues raised by parties for these final results, are discussed in the Issues and Decision Memorandum.[6] Commerce conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the *Order* are hot-rolled steel. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this administrative review are addressed in the Issues and Decision Memorandum and listed in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).

[1] *See Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, the Republic of Korea, the Netherlands, the Republic of Turkey, and the United Kingdom: Amended Final Affirmative Antidumping Determinations for Australia, the Republic of Korea, and the Republic of Turkey and Antidumping Duty Orders,* 81 FR 67962 (October 3, 2016) (*Order*).

[2] *See Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 89588 (November 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[3] As we did in the previous segments of this proceeding and the *Preliminary Results,* we continue to treat POSCO and PIC as a single entity for the final results of this review. *See Certain Hot-Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021–2022,* 88 FR 55665, 55666 n.7 (August 16, 2023); *see also Preliminary Results,* 89 FR at 89589 n.9.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[5] *See* Memorandum, ''Verification of the Questionnaire Responses of POSCO and POSCO International Corporation,'' dated December 17, 2024.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Hot-Rolled Steel Flat Products from the Republic of Korea; 2022–2023,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *Id.*

ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on the comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we made certain changes for the final results of review.

Final Results of Review

We determine that the following estimated weighted-average dumping margins exist for the period October 1, 2022, through September 30, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Hyundai Steel Company	0.89
POSCO; POSCO International Corporation	2.27

Disclosure

We intend to disclose the calculations performed in connection with these final results of review to interested parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Because Hyundai Steel's and POSCO/PIC's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we calculated an importer-specific assessment rate based on the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[8] Where an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), the entries by that importer will be liquidated without regard to antidumping duties. The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[9]

For entries of subject merchandise during the POR produced by either of the individually examined respondents for which it did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[10]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

Upon publication of this notice in the **Federal Register**, the following cash deposit requirements will be effective for all shipments of hot-rolled steel from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) the cash deposit rates for the companies subject to this review will be equal to the company-specific weighted-average dumping margins established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 6.05 percent, the all-others rate established in the investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: March 27, 2025.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
  Comment 1: POSCO/PIC's Billing Adjustments
  Comment 2: POSCO/PIC's Early Payment Discounts and Indirect Selling Expenses
  Comment 3: POSCO/PIC's Variable Cost of Manufacturing

[8] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[9] *See* section 751(a)(2)(C) of the Act.

[10] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[11] *See Order,* 81 FR at 67963, 67965.

Comment 4: Identification of Hyundai Steel

VI. Recommendation

[FR Doc. 2025–05640 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting of a Federal Advisory Committee.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a virtual meeting on Tuesday, April 15, 2025. The meeting is open to the public with registration instructions provided below. This notice sets forth the schedule and proposed topics for the meeting.

DATES: The meeting is scheduled for Tuesday, April 15, 2025 from 10 a.m. to 12 p.m. and 1 p.m. to 3:30 p.m. Eastern Time (ET). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5 p.m. EDT on Tuesday, April 8, 2025. Members of the public must register by that date to participate.

ADDRESSES: The meeting will be held virtually. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Megan Hyndman, Office of Energy & Environmental Industries, International Trade Administration, at *Megan.Hyndman@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Megan Hyndman, Office of Energy & Environmental Industries, International Trade Administration (Phone: 202–823–1839; email: *Megan.Hyndman@trade.gov*).

SUPPLEMENTARY INFORMATION: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Promotion Working Group of the Trade Promotion Coordinating Committee on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 6, 2026.

On Tuesday, April 15, 2025 from 10 a.m. to 12 p.m. and 1 to 3:30 p.m. ET, the ETTAC will hold the third meeting of its current charter term. During the meeting, committee members will discuss issues affecting the competitiveness of the U.S. environmental technologies industry, deliberate on potential recommendation topics, and receive introductory briefings from U.S. government agencies involved in the trade of environmental technologies. An agenda will be made available one week prior to the meeting upon request to Megan Hyndman.

The meeting will be open to the public and time will be permitted for public comment before the close of the meeting. Members of the public seeking to attend the meeting are required to register by Tuesday, April 8, 2025 at 5 p.m. EDT, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at *Megan.Hyndman@trade.gov* or (202) 823–1839 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Tuesday, April 8, 2025 at 5 p.m. EDT to ensure transmission to the members before the meeting. Draft minutes will be available within 30 days of this meeting.

Dated: March 27, 2025.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2025–05568 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE819]

Research Track Assessment for Atlantic Sea Scallops; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: NMFS will convene the Research Track Assessment Peer Review Meeting for the purpose of reviewing the Atlantic sea scallop stock. The Research Track Assessment Peer Review is a formal scientific peer-review process for evaluating and presenting stock assessment results to managers for fish stocks in the offshore U.S. waters of the northwest Atlantic. Assessments are prepared by the research track working group and reviewed by an independent panel of stock assessment experts from the Center of Independent Experts. The public is invited to attend the presentations and discussions between the review panel and the scientists who have participated in the stock assessment process.

DATES: The Research Track Assessment Peer Review Meeting will be held from April 21, 2025–April 24, 2025. The meeting will conclude on April 24, 2025 at 1 p.m. Eastern Standard Time. Please see **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held in person and virtually. The in-person meeting will be held in the S.H. Clark Conference Room in the Aquarium Building of the National Marine Fisheries Service, Northeast Fisheries Science Center (NEFSC), 166 Water Street, Woods Hole, MA 02543 and virtually using this Google Meet link: *https://meet.google.com/her-pcjt-aog.*

FOR FURTHER INFORMATION CONTACT: Brian Hooper, 508–258–9580; *brian.hooper@noaa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please visit the NEFSC website at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/fishery-stock-assessments-new-england-and-mid-atlantic.* For additional information about research track assessment peer review, please visit the NEFSC web page at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/research-track-stock-assessments.*

Daily Meeting Agenda—Research Track Peer Review Meeting

The agenda is subject to change; all times are approximate and may be changed at the discretion of the Peer Review Chair.

Time	Topic	Presenter(s)	Notes
Monday, April 21, 2025			
9 a.m.–9:05 a.m	Welcome & Logistics	Brian Hooper.	
9:05 a.m.–9:15 a.m	Introductions & Agenda	Tom Miller.	
9:15 a.m.–9:40 a.m	Overview of Research Track Process and Scallop Research Track.	Kristan Blackhart.	
9:40 a.m.–10:10 a.m	Management History and Fishery Practices.	Jonathon Peros.	
10:10 a.m.–10:30 a.m	Summary of Community Engagement Session.	Jonathon Peros.	
10:30 a.m.–10:45 a.m	BREAK.		
10:45 a.m.–11:30 a.m	Scallop Life History	Dvora Hart.	
11:30 a.m.–12 p.m	Term of Reference (TOR) 1 Overview	Dvora Hart	Ecosystem.
12 p.m.–1 p.m	LUNCH.		
1 p.m.–1:30 p.m	Temperature Influences	Joseph Caracappa	Ecosystem.
1:30 p.m.–2 p.m	Shell Disease and Nematodes	Dave Rudders	Ecosystem.
2 p.m.–2:45 p.m	TOR 1 Question and Answer (Q&A)	Review Panel	Ecosystem.
2:45 p.m.–3 p.m	BREAK.		
3 p.m.–3:30 p.m	TOR 2	Jessica Blaylock	Catch.
3:30 p.m.–4 p.m	TOR 2 Q&A	Review Panel	Catch.
4 p.m.–4:15 p.m	Public Comment	Public.	
4:15 p.m.–5 p.m	Discussion & Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up for TORs 1 & 2.
5 p.m	ADJOURN.		
Tuesday, April 22, 2025			
9 a.m.–9:05 a.m	Welcome & Logistics	Brian Hooper	
	Agenda	Tom Miller.	
9:05 a.m.–9:25 a.m	Gulf of Maine Surveys	Jonathon Peros.	
9:25 a.m.–10:10 a.m	TOR 3	Dvora Hart	Surveys.
10:10 a.m.–10:45 a.m	TOR 3 Q&A	Review Panel	Surveys.
10:45 a.m.–11 a.m	BREAK.		
11 a.m.–12 p.m	Mid-Atlantic Catch At Size Analysis (CASA) Model.	Jui-Han Chang	Models.
12 p.m.–1 p.m	LUNCH.		
1 p.m.–2 p.m	Georges Bank Closed Areas CASA Model.	Jui-Han Chan	Models.
2 p.m.–3 p.m	Georges Bank Open Areas CASA Model.	Jui-Han Chan	Models.
3 p.m.–3:15 p.m	BREAK.		
3:15 p.m.–3:45 p.m	TOR 4 Q&A	Review Panel	Models.
3:45 p.m.–4 p.m	Public Comment	Public.	
4 p.m.–5 p.m	Discussion & Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up for TORs 3 & 4.
5 p.m	ADJOURN.		
Wednesday, April 23, 2025			
9 a.m. –9:05 a.m	Welcome & Logistics	Brian Hooper	
	Agenda	Tom Miller.	
9:05 a.m.–10 a.m	Review Homework	Review Panel	If needed.
10 a.m.–10:45 a.m	TOR 5	Dvora Hart	Biological Reference Points (BRPs).
10:45 a.m.–11a.m	BREAK.		
11 a.m.–12 p.m	TOR 5 Q&A	Review Panel	BRPs.
12 p.m.–1 p.m	LUNCH.		
1 p.m.–1:45 p.m	TOR 6	Dvora Hart	Projections.
1:45 p.m.–2:30 p.m	TOR 6 Q&A	Review Panel	Projections.
2:30 p.m.–3 p.m	TOR 8	Patrick Sullivan	Backup Approach.
3 p.m.–3:15 p.m	BREAK.		
3:15 p.m.–3:45 p.m	TOR 8 Q&A	Review Panel	Backup Approach.
3:45 p.m.–4 p.m	Public Comment	Public.	
4 p.m.–5 p.m	Discussion & Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up for TORs 5, 6, & 8.
5 p.m	ADJOURN.		
Thursday, April 24, 2025			
9 a.m.–9:05 a.m	Welcome & Logistics	Brian Hooper	
	Agenda	Tom Miller.	
9:05 a.m.–10:30 a.m	Review Homework	Review Panel	If needed.
10:30 a.m.–10:45 a.m	BREAK.		
11 a.m.–11:30 a.m	TOR 7	Jonathon Peros	Research Recommendations.
11:30 a.m.–11:45 a.m	TOR 7 Q&A	Review Panel	Research Recommendations.

Time	Topic	Presenter(s)	Notes
11:45 a.m.–12 p.m	Public Comment	Public.	
12 p.m.–1 p.m	Discussion & Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up TOR 7; any remaining issues.
1 p.m	ADJOURN.		

Special Accommodations

This meeting is physically accessible to people with disabilities. Special requests should be directed to Brian Hooper, via the email provided in the **ADDRESSES** section.

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

Dated: March 27, 2025.

Karen H. Abrams,

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

[FR Doc. 2025–05618 Filed 4–1–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC25–70–000.
Applicants: Q-Generation Holdings, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Q-Generation Holdings, LLC.
Filed Date: 3/27/25.
Accession Number: 20250327–5224.
Comment Date: 5 p.m. ET 4/17/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–249–000.
Applicants: Delta Bobcat Solar, LLC.
Description: Delta Bobcat Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/27/25.
Accession Number: 20250327–5207.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: EG25–250–000.
Applicants: Excelsior Energy Center, LLC.
Description: Excelsior Energy Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/27/25.
Accession Number: 20250327–5209.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: EG25–251–000.
Applicants: Mondu Solar, LLC.
Description: Mondu Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/27/25.
Accession Number: 20250327–5222.
Comment Date: 5 p.m. ET 4/17/25.

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

Docket Numbers: ER10–1631–020; ER10–1892–023; ER10–2678–021; ER10–2729–015; ER22–1241–002; ER20–660–010; ER20–1440–006; ER21–202–002; ER21–1133–003; ER22–425–003; ER11–3321–013; ER14–19–019; ER14–1219–015; ER16–2405–014; ER16–2406–015; ER17–990–013; ER17–992–013; ER17–993–013; ER10–2744–021; ER11–3320–020; ER13–2316–018; ER14–2548–011; ER16–1652–023; ER17–989–013; ER17–1946–013; ER17–1947–007; ER17–1948–007; ER16–1732–014; ER18–95–010; ER10–1618–018; ER10–1854–020; ER10–2739–036.
Applicants: LS Power Marketing, LLC, Doswell Limited Partnership, Rolling Hills Generating, L.L.C., Buchanan Energy Services Company, LLC, Aurora Generation, LLC, Helix Ravenswood, LLC, Helix Maine Wind Development, LLC, Helix Ironwood, LLC, Chambersburg Energy, LLC, LifeEnergy LLC, Ocean State Power, Seneca Generation, LLC, LSP University Park, LLC, Riverside Generating Company, L.L.C., Bath County Energy, LLC, Springdale Energy, LLC, Gans Energy, LLC, Rockford Power, LLC, Rockford Power II, LLC, Armstrong Power, LLC, West Deptford Energy, LLC, Wallingford Energy LLC, Enerwise Global Technologies, LLC, Hummel Station, LLC, Centrica Business Solutions Optimize, LLC, Yards Creek Energy, LLC, Bolt Energy Marketing, LLC, REV Energy Marketing, LLC, Buchanan Generation, LLC, Troy Energy, LLC, Columbia Energy LLC, University Park Energy, LLC.
Description: Response to 01/23/2025, Updated Market Power Analysis for Northeast Region of LS Power Marketing, LLC, et al.
Filed Date: 3/26/25.
Accession Number: 20250326–5268.
Comment Date: 5 p.m. ET 4/16/25.

Docket Numbers: ER20–1985–001; ER20–1988–002; ER20–2179–002; ER20–2622–003.
Applicants: Wilmot Energy Center, LLC, Baldwin Wind Energy, LLC, Northern Colorado Wind Energy Center II, LLC, Northern Colorado Wind Energy Center, LLC.
Description: Supplement to January 11, 2021 Notice of Non-Material Change in Status of Northern Colorado Wind Energy Center, LLC, et al.
Filed Date: 3/12/21.
Accession Number: 20210312–5358.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–765–000.
Applicants: Beowawe Power, LLC.
Description: Second Amendment to 12/19/2024, Beowawe Power, LLC tariff filing.
Filed Date: 3/26/25.
Accession Number: 20250326–5141.
Comment Date: 5 p.m. ET 4/9/25.

Docket Numbers: ER25–1777–000.
Applicants: Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: DEF Revisions to Joint OATT Formula Transmission Rates—Storm Reserve to be effective 6/1/2025.
Filed Date: 3/26/25.
Accession Number: 20250326–5244.
Comment Date: 5 p.m. ET 4/16/25.

Docket Numbers: ER25–1778–000.
Applicants: Puget Sound Energy, Inc.
Description: Compliance filing: Order 904 Compliance Filing to be effective 5/15/2025.
Filed Date: 3/26/25.
Accession Number: 20250326–5258.
Comment Date: 5 p.m. ET 4/16/25.

Docket Numbers: ER25–1779–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: LGE Brown BESS Provisional Large Generator Interconnection Agreement to be effective 2/26/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5051.
Comment Date: 5 p.m. ET 4/17/25

Docket Numbers: ER25–1780–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff Amendment: Notice of Termination of Rate Schedule No. 526 to be effective 5/27/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5061.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1781–000.
Applicants: Kentucky Utilities Company.

Description: Tariff Amendment: Notice of Termination KU Concurrence to Rate Schedule 526 to be effective 5/27/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5064.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1782–000.
Applicants: Idaho Power Company.
Description: Compliance filing: Order No. 904 Compliance Filing to be effective 6/1/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5065.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1783–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2025–03–27_SA 3749 Termination of ATC-Uplands Wind E&P (J1773 J1781) to be effective 3/28/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5070.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1784–000.
Applicants: PacifiCorp.
Description: Tariff Amendment: Notice of Termination (R.S. No. 712) to be effective 6/26/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5172.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1785–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2024–03–27—PSC—UPI—T–2024–16—Cowboy—SISA—858—0.0.0 to be effective 5/26/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5180.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1786–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2024–03–27—PSC—UPI—T–2024–9—Bonnet—SISA—854—NOC to be effective 3/28/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5185.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1787–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2024–03–27—PSC—UPI—T–2024–10—Bowler—SISA—855—NOC to be effective 3/28/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5188.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1789–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Service Agreement FERC Nos. 102, 106, 206, and 207 to be effective 2/28/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5211.
Comment Date: 5 p.m. ET 4/17/25.

Docket Numbers: ER25–1790–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule No. 405 to be effective 5/27/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5219.
Comment Date: 5 p.m. ET 4/17/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, 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.*

Dated: March 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–05615 Filed 4–1–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the commission received the following accounting Request filings:

Filings Instituting Proceedings

Docket Numbers: AC25–58–000.
Applicants: TransCameron Pipeline, LLC.
Description: TransCameron Pipeline, LLC submits Request for use of Account 439 Adjustments to Retained Earnings.
Filed Date: 3/27/25.
Accession Number: 20250327–5116.
Comment Date: 5 p.m. ET 4/17/25.

Take notice that the commission received the following accounting Request filings:

Docket Numbers: PR25–44–000.
Applicants: Southwest Gas Corporation.
Description: § 284.123(g) Rate Filing: Amended SOC for Blanket Certificate to be effective 3/26/2025.
Filed Date: 3/26/25.
Accession Number: 20250326–5232.
Comment Date: 5 p.m. ET 4/16/25.
§ 284.123(g) Protest: 5 p.m. ET 5/23/25.

Docket Numbers: RP25–748–000.
Applicants: Cheniere Corpus Christi Pipeline, L.P.
Description: Semi-Annual Transportation Retainage Report of Cheniere Corpus Christi Pipeline, L.P.
Filed Date: 3/26/25.
Accession Number: 20250326–5213.
Comment Date: 5 p.m. ET 4/7/25.

Docket Numbers: RP25–749–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Formula Based Negot Rates—K1565 and Update Initial Retainage Rate—4/1/2025 to be effective 4/1/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5026.
Comment Date: 5 p.m. ET 4/8/25.

Docket Numbers: RP25–750–000.
Applicants: MarkWest Pioneer, L.L.C.
Description: § 4(d) Rate Filing: Tariff Filing to Delete Expired Non-Conforming Agreements to be effective 5/1/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5047.
Comment Date: 5 p.m. ET 4/8/25.

Docket Numbers: RP25–751–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree Apr 25) to be effective 4/1/2025.

Filed Date: 3/27/25.
Accession Number: 20250327–5082.
Comment Date: 5 p.m. ET 4/8/25.

Docket Numbers: RP25–752–000.
Applicants: Bison Pipeline LLC.
Description: Compliance filing: Company Use Gas Annual Report 2025 to be effective N/A.
Filed Date: 3/27/25.
Accession Number: 20250327–5088.
Comment Date: 5 p.m. ET 4/8/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP25–410–001.
Applicants: Fayetteville Express Pipeline LLC.
Description: Compliance filing: NAESB Version 4.0 Compliance Filing—Corrected to be effective 8/1/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5048.
Comment Date: 5 p.m. ET 4/8/25.

Docket Numbers: RP25–490–001.
Applicants: ETC Tiger Pipeline, LLC.
Description: Compliance filing: NAESB 4.0 Compliance—Corrected to be effective 8/1/2025.
Filed Date: 3/27/25.
Accession Number: 20250327–5066.
Comment Date: 5 p.m. ET 4/8/25.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, 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.*

Dated: March 27, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–05616 Filed 4–1–25; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of this agreement are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201315–002.

Agreement Name: NYSA–ILA Assessment Agreement.

Parties: International Longshoremen's Association, AFL–CIO; and United States Maritime Alliance, Ltd.

Filing Party: Richard Ciampi, The Lambos Firm LLP.

Synopsis: The Amendment reflects the reduction of the assessment for House Containers Within 260 Miles in All other Trades from $89 to $79 and the assessment for Empty Containers in All other Trades and for empty Mafis is reduced from $40 to $35.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/22427.

Dated: March 28, 2025.

Jennifer Everling,

Assistant Secretary.

[FR Doc. 2025–05656 Filed 4–1–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 17, 2025.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *The Charles L. Stoner Irrevocable Spousal Trust, Barbara J. Stoner, as trustee, both of Miami, Oklahoma;* to become members of the Stoner Family Control Group, a group acting in concert, to acquire voting shares of Welch Bancshares, Inc., and thereby indirectly acquire voting shares of Welch State Bank of Welch, Okla., both of Welch, Oklahoma.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–05652 Filed 4–1–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping Requirements of Regulation H and Regulation K Associated with the Procedures for Monitoring Bank Secrecy Act Compliance (FR K; OMB No. 7100–0310).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR K.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Recordkeeping Requirements of Regulation H and Regulation K Associated with the Procedures for Monitoring Bank Secrecy Act Compliance.

Collection identifier: FR K.

OMB control number: 7100–0310.

General description of collection: Section 208.63 of the Board's Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208) requires state member banks to establish and maintain in writing procedures reasonably designed to ensure and monitor compliance with the provisions of the Bank Secrecy Act (BSA) and its implementing regulations. Sections 211.5(m)(1) and 211.24(j)(1) of the Board's Regulation K—International Banking Operations (12 CFR part 211) impose those same requirements on Edge and agreement corporations and, except for a federal branch or a federal agency or a state branch that is insured by the Federal Deposit Insurance Corporation (FDIC), the U.S. branches, agencies, and representative offices of foreign banks operating in the United States.

Frequency: One-time and on occasion.

Respondents: State member banks; Edge and agreement corporations; and U.S. branches, agencies, and representative offices of foreign banks operating in the United States, except for a federal branch or a federal agency or a state branch that is insured by the FDIC.

Total estimated number of respondents: 878.

Total estimated annual burden hours: 3,544.

Current actions: On October 29, 2024, the Board published a notice in the **Federal Register** (89 FR 85973) requesting public comment for 60 days on the extension, without revision, of the FR K. The comment period for this notice expired on December 30, 2024. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05648 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Registration of a Securities Holding Company (FR 2082; OMB No. 7100–0347).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 2082.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision of the Following Information Collection

Collection title: Registration of a Securities Holding Company.

Collection identifier: FR 2082.

OMB control number: 7100–0347.

General description of collection: The FR 2082 registration form is used whenever a securities holding company (SHC) elects to register to become subject to supervision by the Board pursuant to section 618 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The FR 2082 requests the following from the registering SHC: an organization chart (including all subsidiaries); information regarding certain of the SHC's subsidiaries; shareholder reports and financial statements; information regarding the SHC's shareholders, senior officers and directors; information regarding the methods used by the SHC to monitor and control its operations; information regarding the SHC's foreign subsidiaries that are subject to comprehensive consolidated supervision and the regulatory system in which these foreign subsidiaries operate; and information regarding any other regulatory capital framework to which the SHC is subject. The information collected by the FR 2082 registration form is used by the Federal Reserve System to determine whether the registrant meets the requirements to become a supervised SHC and to complete the registration.

Frequency: Event-generated.

Total estimated number of respondents: 1.

Total estimated annual burden hours: 8.

Current actions: On November 18, 2024, the Board published a notice in the **Federal Register** 89 FR 90287) requesting public comment for 60 days on the extension, without revision, of the FR 2082. The comment period for this notice expired on January 14, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05645 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Investment in Bank Premises Notification (FR 4014; OMB No. 7100–0139).

DATES: Comments must be submitted on or before June 2, 2025.

ADDRESSES: You may submit comments, identified by FR 4014, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments, including attachments. *Preferred method.*
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means: publiccomments@frb.gov.* You must include the OMB number or the FR number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board's website at *https://www.federalreserve.gov/apps/proposals/* without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would be not appropriate for public disclosure. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 4014. Final versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Investment in Bank Premises Notification.

Collection identifier: FR 4014.

OMB control number: 7100–0139.

General description of collection: The Federal Reserve Act requires a state member bank, under certain circumstances, to seek prior approval from the Board before making an investment in bank premises or the securities of a corporation holding its bank premises. The Board has implemented this requirement in its Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208), which requires a state member bank seeking to make such an investment to provide prior notice to the appropriate Federal Reserve Bank. The Board uses the information provided in the notice to determine whether to object to the proposed investment.

Frequency: Event-generated.

Respondents: State member banks.

Total estimated number of respondents: 25.

Total estimated annual burden hours: 25.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05644 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 2, 2025.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Old Second Bancorp, Inc., Aurora, Illinois;* to merge with Bancorp Financial, Inc., and thereby indirectly acquire Evergreen Bank Group, both of Oak Brook, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–05651 Filed 4–1–25; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Regulation H (Loans Secured by Real Estate Located in Flood Hazard Areas) (FR H–2; OMB No. 7100–0280).

DATES: Comments must be submitted on or before June 2, 2025.

ADDRESSES: You may submit comments, identified by FR H–2, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments, including attachments. *Preferred method.*
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means: publiccomments@frb.gov.* You must include the OMB number or the FR number in the subject line of the message.

Comments received are subject to public discosure. In general, comments received will be made available on the Board's website at *https://www.federalreserve.gov/apps/proposals/* without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would be not appropriate for public disclosure. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains

more detail about the information collection and burden estimates than this notice), and other documentation, will be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR H–2. Final versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with Regulation H (Loans Secured by Real Estate Located in Flood Hazard Areas).

Collection identifier: FR H–2.

OMB control number: 7100–0280.

General description of collection: The federal flood insurance statutes and Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208) provide that a lender shall not make, increase, extend, or renew a loan secured by a building or mobile home located in a special flood hazard area unless the secured property is covered by flood insurance for the term of the loan. With respect to the recordkeeping and disclosure provisions, Regulation H generally requires state member banks to retain certain flood hazard documentation and to notify borrowers and servicers regarding properties in flood hazard areas and requirements related to flood insurance. State member banks also must notify the Federal Emergency Management Agency of the identity of, and any change in, the servicer of a loan secured by improved property in a special flood hazard area. The information collection requirements under the flood hazard provisions of Regulation H are triggered by specific events in the lending process.

Frequency: Event-generated.

Respondents: State member banks or servicers acting on their behalf.

Total estimated number of respondents: 706.

Total estimated annual burden hours: 33,983.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05647 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping Provisions Associated with the Guidance on Sound Incentive Compensation Policies (FR 4027; OMB No. 7100–0327).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 4027.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Recordkeeping Provisions Associated with the Guidance on Sound Incentive Compensation Policies.

Collection identifier: FR 4027.

OMB control number: 7100–0327.

General description of collection: The interagency Guidance on Sound Incentive Compensation Policies (the Guidance) is intended to assist banking organizations in designing and implementing incentive compensation arrangements that do not encourage imprudent risk-taking and that are consistent with the safety and soundness of the organization. The Guidance contains voluntary recordkeeping activities. With respect to organizations regulated by the Board, the voluntary Guidance applies to U.S. bank holding companies, savings and loan holding companies, state member banks, Edge and agreement corporations, and the U.S. operations of foreign banks with a branch, agency, or commercial lending company subsidiary in the United States (collectively, banking organizations).

Frequency: As needed.

Respondents: Banking organizations, as defined above.

Total estimated number of respondents: 5,122.

Total estimated annual burden hours: 205,440.

Current actions: On October 29, 2024, the Board published a notice in the **Federal Register** (89 FR 85971) requesting public comment for 60 days on the extension, without revision, of the FR 4027. The comment period for this notice expired on December 30, 2024. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05646 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Reporting and Recordkeeping Requirements Associated with Regulation W (FR W; OMB No. 7100–0304).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR W.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Reporting and Recordkeeping Requirements Associated with Regulation W.

Collection identifier: FR W.

OMB control number: 7100–0304.

General description of collection: The FR W information collection comprises the reporting requirements of Regulation W that are found in sections 223.15(b)(4), 223.31(d)(4), 223.41(d)(2), and 223.43(b) and the recordkeeping requirements found in sections 223.42(f)(6) and 223.42(g)(3). This information is used to demonstrate compliance with sections 23A and 23B of the Federal Reserve Act (FRA) and to request certain exemptions from the Board. Sections 23A and 23B of the FRA are designed to protect a depository institution from exposure arising from certain transactions with affiliates. They also limit the ability of an insured depository institution to transfer the subsidy arising from access to the federal safety net to such affiliates. Regulation W implements sections 23A and 23B by defining terms used in the statute, explaining the statute's requirements, and exempting certain transactions. The regulation includes provisions requiring the reporting of information to the Board under certain circumstances, to determine whether a depository institution is complying with sections 23A and 23B of the FRA and Regulation W and whether a proposed transaction is financially sound and consistent with the public interest.

Frequency: Event generated.

Respondents: Insured depository institutions and uninsured member banks.

Total estimated number of respondents: 2.

Total estimated annual burden hours: 56.

Current actions: On November 15, 2024, the Board published a notice in the **Federal Register** (89 FR 90283) requesting public comment for 60 days on the extension, without revision, of the FR W. The comment period for this notice expired on January 14, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, March 28, 2025.

Benjamin W. McDonough,

Deputy Secretary and Ombuds of the Board.

[FR Doc. 2025–05649 Filed 4–1–25; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0077; Docket No. 2025–0053; Sequence No. 8]

Information Collection; Federal Acquisition Regulation Part 46 Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning Federal Acquisition Regulation part 46 requirements. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through November 30, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through

https://www.regulations.gov and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0077, Federal Acquisition Regulation Part 46 Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0077, Federal Acquisition Regulation Part 46 Requirements.

B. Need and Uses

This clearance covers the information that contractors may be required to submit to comply with the following Federal Acquisition Regulation (FAR) clauses:

- FAR Inspection Clauses
- ✓ FAR 52.246–2, Inspection of Supplies—Fixed-Price
- ✓ FAR 52.246–3, Inspection of Supplies—Cost-Reimbursement
- ✓ FAR 52.246–4, Inspection of Services—Fixed-Price
- ✓ FAR 52.246–5, Inspection of Services—Cost-Reimbursement
- ✓ FAR 52.246–6, Inspection—Time-and-Material and Labor-Hour
- ✓ FAR 52.246–7, Inspection of Research and Development—Fixed-Price
- ✓ FAR 52.246–8, Inspection of Research and Development—Cost-Reimbursement
- ✓ FAR 52.246–12, Inspection of Construction

These FAR clauses require the contractor to provide and maintain an inspection system that is acceptable to the Government, and to keep complete records of all inspection work performed and make it available to the Government. These clauses give the Government the right to inspect and test all work.

Records required under these clauses are kept as a part of a contractor's normal business operations. To ensure they provide a quality product or service, every business must have standards and methods for reviewing or inspecting the quality of their product or service. These standards will differ by industry and the complexity of the product or service provided.

The Government relies on a contractor's existing quality assurance system for contracts for commercial products. The Government relies on the contractor to accomplish all inspection and testing needed to ensure that acquired commercial services conform to contract requirements before they are tendered to the Government. See FAR 12.208 and 46.202–1. Likewise, when the contract amount is expected to be less than the simplified acquisition threshold, these clauses do not apply.

The FAR ''inspection clauses'' are used for quality assurance depending on the type of contract, or the product or service being provided. These clauses do not require the transmittal or sending of documentation to the Government, but they have record keeping requirements. The Government may review these records to confirm the contract quality requirements are being met. This review is risk-based and may or may not include the review of all quality assurance records. Generally, the records are more likely to be reviewed when the contractor is not meeting quality standards or as part of Government Contract quality assurance surveillance for complex requirements. Subject matter experts estimate these records are requested from 10 percent or fewer of contractors.

The information is used to assure that supplies and services provided under Government contracts conform to contract requirements.

- *FAR 52.246–15, Certificate of Conformance.* This clause requires the contractor to complete and sign a certificate of conformance (CoC). This clause is used in solicitations and contracts for supplies or services at the discretion of the contracting officer when it is in the Government's interest, small losses would be incurred in the event of a defect; or because of the contractor's reputation or past performance, or when it is likely that the supplies or services furnished will be acceptable and any defective work would be replaced, corrected, or repaired without contest.
- *FAR 52.246–26, Reporting Nonconforming Items.* This clause requires contractors to provide written notification to the contracting officer within 60 days of becoming aware or having reason to suspect, such as through inspection, testing, record review, or notification from another source (*e.g.,* seller, customer, third party) that any end item, component, subassembly, part, or material contained in supplies purchased by the contractor for delivery to, or for, the Government is counterfeit or suspect counterfeit. This clause requires certain contractors to submit a report to the Government-Industry Data Exchange Program (GIDEP) system at *www.gidep.org* within 60 days of becoming aware or having reason to suspect, such as through inspection, testing, record review, or notification from another source (*e.g.,* seller, customer, third party) that an item purchased by the contractor for delivery to, or for, the Government is a counterfeit or suspect counterfeit item; or a common item that has a major or critical nonconformance.

This information will be used by the Government to address and detect nonconforming and counterfeit items. Perhaps more important, this information will be available to businesses for searching prior to placing orders, thus enabling the avoidance of purchasing counterfeit items in the first place.

C. Annual Burden

Respondents: 7,859.
Total Annual Responses: 9,301.
Total Burden Hours: 33,015.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0077, Federal Acquisition Regulation Part 46 Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05575 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0032; Docket No. 2025–0053; Sequence No. 7]

Information Collection; Contractor Use of Interagency Fleet Management System Vehicles

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning contractor use of interagency fleet management system vehicles. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through January 31, 2026. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov*.

Instructions: All items submitted must cite OMB Control No. 9000–0032, Contractor Use of Interagency Fleet Management System Vehicles. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0032, Contractor Use of Interagency Fleet Management System Vehicles.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 51.202—For the contracting officer to authorize a contractor's use of Interagency Fleet Management System (IFMS) vehicles, this FAR section requires contractors to submit the following information:

(1) A written statement that the contractor will assume, without the right of reimbursement from the Government, the cost or expense of any use of the IFMS vehicles and services not related to the performance of the contract;

(2) Evidence that the contractor has obtained motor vehicle liability insurance covering bodily injury and property damage, with limits of liability as required or approved by the agency, protecting the contractor and the Government against third-party claims arising from the ownership, maintenance, or use of an IFMS vehicle; and

(3) Any recommendations.

FAR 51.203—Once authorized by the contracting officer, this FAR section requires contractors to submit their request for IFMS vehicles and related services in writing to the appropriate GSA point of contact and include the following information:

(1) Two copies of the agency authorization;

(2) The number of vehicles and related services required and period of use;

(3) A list of employees who are authorized to request the vehicles or related services;

(4) A listing of equipment authorized to be serviced; and

(5) Billing instructions and address.

The contracting officer will use the information to determine the contractor's eligibility to obtain IFMS vehicles and related services, and to authorize this use. The GSA will also use this information to determine whether appropriate authorization has been granted by the contracting officer.

C. Annual Burden

Respondents: 20.

Total Annual Responses: 20.

Total Burden Hours: 20.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov*. Please cite OMB Control No. 9000–0032, Contractor Use of Interagency Fleet Management System Vehicles.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05574 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0069; Docket No. 2025–0053; Sequence No. 13]

Information Collection; Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning indirect cost rate proposals, payments to small business subcontractors, and bankruptcy notifications. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through July 31, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov*.

Instructions: All items submitted must cite OMB Control No. 9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.216–7, Allowable Cost and Payment. This clause requires the contractor to submit an adequate final indirect cost rate proposal to the contracting officer and the auditor within the 6-month period following the expiration of each of its fiscal years. The proposed rates shall be based on the contractor's actual cost experience for that period. Paragraphs (d)(2)(iii) and (iv) of this clause provide a list of the data required to be submitted. The data is customary business financial information that the contractor can access from its automated business systems.

FAR 52.216–15, Predetermined Indirect Cost Rates. This clause repeats the requirement in the clause at FAR 52.216–7, paragraph (d), for the contractor to submit an adequate final indirect cost rate proposal, however it does not impose any additional reporting requirements.

FAR 52.242–4, Certification of Final Indirect Costs. This clause requires the contractor's final indirect cost rate proposal to be certified to establish or modify the rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices. This clause is incorporated into all solicitations and contracts that provide for establishment of final indirect cost rates, but the Department of Energy may provide an alternate clause for its Management and Operating contracts.

The contracting officer and auditor use the proposal and supporting data provided under the clauses at FAR 52.216–7, 52.216–15, and 52.242–4 to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

FAR 52.242–5, Payments to Small Business Subcontractors. This clause requires the prime contractor to self-report to the contracting officer when the prime contractor makes late or reduced payments to small business subcontractors. The notice shall include the reason(s) for making the reduced or untimely payment. The contracting officer uses the information to record the identity of contractors with a history of late or reduced payments to small business subcontractors in the Federal Awardee Performance and Integrity Information System. The contracting officer considers and evaluates the contractor's written explanation for a reduced or an untimely payment to determine whether the reduced or untimely payment is justified.

FAR 52.242–13, Bankruptcy. This clause requires contractors to notify the contracting officer within five days after initiating the proceedings relating to bankruptcy filing. The contracting officer uses the notification to ensure the contractor's ability to perform its government contract.

C. Annual Burden

Respondents: 6,265.
Total Annual Responses: 6,265.
Total Burden Hours: 1,504,083.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov*. Please cite OMB Control No. 9000–0069, Indirect Cost Rate Proposals, Payments to Small Business Subcontractors, and Bankruptcy Notifications.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05573 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0184; Docket No. 202X–XXXX; Sequence No. 10]

Information Collection; Contractors Performing Private Security Functions Outside the United States

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning contractors performing private security functions outside the United States. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through September 30, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through

https://www.regulations.gov and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0184, Contractors Performing Private Security Functions Outside the United States. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0184, Contractors Performing Private Security Functions Outside the United States.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.225–26, Contractors Performing Private Security Functions Outside the United States. When contract performance is required outside the United States in an area of combat operations or significant military operations, this clause requires contractors to ensure employees performing private security functions under the contract comply with 32 CFR part 159, and any orders, directives, or instructions that are identified in the contract for:

- Registering, processing, accounting for, managing, overseeing, and keeping appropriate records of personnel performing private security functions;
- Requesting authorization of and accounting for weapons to be carried by or available to personnel performing private security functions;
- Registering and identifying armored vehicles, helicopters, and other military vehicles operated by employees performing private security functions; and
- Reporting incidents in which personnel performing private security functions: discharge a weapon; are attacked, killed, or injured; kill or injure a person or destroy property as a result of conduct by contractor personnel; have a weapon discharged against them or believe a weapon was so discharged; or employ active, non-lethal countermeasures in response to a perceived immediate threat.

The Government uses the information provided to ensure accountability, visibility, force protection, medical support, personnel recovery, and other related support can be accurately forecasted and provided to deployed contractors, as required.

C. Annual Burden

Respondents: 28.
Total Annual Responses: 140.
Total Burden Hours: 70.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0184, Contractors Performing Private Security Functions Outside the United States.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05579 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0082; Docket No. 2025–0053; Sequence No. 12]

Information Collection; Federal Acquisition Regulation Part 7 Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning Federal Acquisition Regulation part 7 requirements. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through July 31, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0082, Federal Acquisition Regulation Part 7 Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0082, Federal Acquisition Regulation Part 7. Requirements.

B. Need and Uses

This clearance covers the information that offerors or contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.207–3, Right of First Refusal of Employment. This clause requires contractors to provide the contracting officer, within 120 days of beginning contract performance, the names of personnel who were adversely affected or separated from Government

employment as a result of the contract award; and subsequently hired by the contractor to perform under the contract within 90 days after contract performance began. The information provided under this clause is used by the Government to ensure contractor compliance with providing the right of first refusal to such affected personnel and that certain obligations to displaced employees are met by the Government.

FAR 52.207–4, Economic Purchase Quantity—Supplies. This provision permits offerors, who believe that acquisition of supplies in quantity different from what is being solicited would be more advantageous to the Government, to recommend with their offer a more economic purchase quantity for the required supplies. The information provided under this provision is used by the Government to acquire supplies at the total and unit costs most advantageous to the Government and to develop a database for future acquisitions of such items of supply.

C. Annual Burden

Respondents: 14,510.
Total Annual Responses: 14,510.
Total Burden Hours: 14,530.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0082, Federal Acquisition Regulation Part 7 Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05576 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0012; Docket No. 2025–0053; Sequence No. 6]

Information Collection; Termination Settlement Proposal Forms (SFs 1435–1440)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning termination settlement proposal forms (Standard Forms 1435–1440). DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through February 28, 2026. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0012, Termination Settlement Proposal Forms (SFs 1435–1440). Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0012, Termination Settlement Proposal Forms (SFs 1435–1440).

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

Standard Forms (SFs) 1435 through 1440. These termination settlement proposal forms are used by all Executive agencies, including the Department of Defense, for settling terminated prime contracts and subcontracts per FAR subpart 49.6, Contract Termination Forms and Formats. The forms provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiated position.

The contracting officer uses the collected information to determine and support reimbursement costs upon settlement of a terminated contract.

C. Annual Burden

Respondents: 4,862.
Total Annual Responses: 38,059.
Total Burden Hours: 91,342.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0012, Termination Settlement Proposal Forms (SFs 1435–1440).

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05572 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0136; Docket No. 2025–0053; Sequence No. 9]

Information Collection; Commercial Acquisitions

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and

NASA invite the public to comment on an extension concerning commercial acquisitions. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through November 30, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0136, Commercial Acquisitions. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0136, Commercial Acquisitions.

B. Need and Uses

This clearance covers the information that offerors may be required to submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.212–3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Paragraph (b)(2) requires offerors to identify the applicable paragraphs at (c) through (v) of this provision that the offeror has completed for the purposes of the relevant solicitation only, if any. The provision stipulates that any changes provided by the offeror under paragraph (b)(2) are applicable to that specific solicitation only, and do not result in an update to the representations and certifications posted electronically in the System for Award Management. The contracting officer will use the information to determine an offeror's eligibility for award, and to incorporate appropriate terms and conditions into a resulting contract as appropriate.

C. Annual Burden

Respondents: 140,055.
Total Annual Responses: 414,909.
Total Burden Hours: 207,455.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0136, Commercial Acquisitions.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05578 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0129; Docket No. 202X–XXXX; Sequence No. 11]

Information Collection; Cost Accounting Standards Administration

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning cost accounting standards administration. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through August 31, 2025. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by June 2, 2025.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0129, Cost Accounting Standards Administration. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: *FARPolicy@gsa.gov* or call 202–969–4075.

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0129, Cost Accounting Standards Administration.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

FAR 52.230–6, Administration of Cost Accounting Standards. This clause requires contractors performing Cost Accounting Standards (CAS) covered contracts to submit notifications and descriptions of certain cost accounting

practice changes, including revisions to their Disclosure Statements, if applicable. Often these descriptions are quite complex. This clause also requires contractors to submit rationale to support any contractor written statement that the cost impact of the change is immaterial. The information is used by contracting officers for ascertaining compliance with CAS.

C. Annual Burden

Respondents: 607.
Total Annual Responses: 1,821.
Total Burden Hours: 318,675.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0129, Cost Accounting Standards Administration.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2025–05577 Filed 4–1–25; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–25–0020]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Coal Workers' Health Surveillance Program (CWHSP)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on September 3, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice . This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Coal Workers' Health Surveillance Program (CWHSP) (OMB Control No. 0920–0020, Exp. 03/31/2025)—Reinstatement—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH would like to submit an Information Collection Request (ICR) to continue the data collection instruments being utilized within the Coal Workers' Health Surveillance Program (CWHSP). This request incorporates all components of the CWHSP. Those components include: Coal Workers' X-ray Surveillance Program (CWXSP), B Reader Program, Enhanced Coal Workers' Health Surveillance Program (ECWHSP), Expanded Coal Workers' Health Surveillance Program, and National Coal Workers' Autopsy Study (NCWAS).

The CWHSP is a Congressionally mandated medical examination program for monitoring the health of coal miners and was originally established under the Federal Coal Mine Health and Safety Act of 1969 with all subsequent amendments (the Act). The Act provides the regulatory authority for the administration of the CWHSP. This Program, which operates in accordance with 42 CFR part 37, is useful in providing information for protecting the health of, and in documenting trends and patterns in the prevalence of coal workers' pneumoconiosis ('black lung' disease) among U.S. coal miners.

Data is used for early detection, tracking, assessment, and ultimately prevention and/or treatment of coal workers' pneumoconiosis. It also serves to identify the incidence and possible progression of coal mine dust-induced disease in coal miners. In order to assess progression of disease it is important to obtain longitudinal measurements of past participants.

CDC requests OMB approval for an estimated 4,070 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Coal Mine Operator	2.10	268	1	30/60
Coal Mine Contractor	2.18	165	1	30/60
Radiograph Facility Supervisor	2.11	20	1	30/60
Coal Miner	2.9	4,345	1	20/60
Coal Miner—Radiograph	No form required	4,788	1	15/60
B Reader Physician	2.8	10	899	3/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Qualified and Licensed Physician (NIOSH Approved Radiograph Facility).	2.8	4,788	1	3/60
Physicians taking the B Reader Examination	2.12	110	1	10/60
Spirometry Facility Supervisor	2.14	15	1	30/60
Spirometry Facility Employee	2.13	619	1	5/60
Spirometry Technician	2.15	619	1	20/60
Coal Miner—Spirometry	No form required	619	1	15/60
Request for Medical Records	Request for Medical Records Form	779	1	5/60
Authorization for Payment of Autopsy	2.19	4	1	15/60
Pathologist	Invoice—No standard form	4	1	5/60
Pathologist	Pathology Report—No standard form.	4	I	5/60
Next-of-kin for deceased miner	2.6	4	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2025–05717 Filed 4–1–25; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: June 11, 2025.

Time: 10:00 a.m. to 10:20 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Charisee Lamar, Ph.D., M.P.H., R.R.T., Division Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206–Q, Bethesda, MD 20892–7924, (301) 827–5517, email: *lamarc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 28, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–05650 Filed 4–1–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be held virtually and is open to the public as indicated below. Individuals who plan to attend the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be access from the NIH Videocasting and Podcase website *http://videocast.nih.gov/* or *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council.*

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: April 23, 2025.

Open: 10:20 a.m. to 4:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Virtual Access: The meeting will be videocast and can be accessed from the NIH Videocast. *http://videocast.nih.gov/* or *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council.* Please note, the link to the videocast meeting will be posted within a week of the meeting date.

Contact Person: Charisee Lamar, Ph.D., M.P.H., R.R.T., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–C, Bethesda, MD 20892–7924, (301) 827–5517, email: *lamarc@mail.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://www.nih.gov/about-nih/visitor-information/campus-access-security* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on

campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 28, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–05642 Filed 4–1–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: June 10, 2025.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240–276–6340, *grayp@mail.nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 28, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–05686 Filed 4–1–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Advisory Board.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: *http://videocast.nih.gov/.*

A portion of the National Cancer Advisory Board meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: June 10, 2025.

Open: 11:00 a.m. to 11:15 a.m.

Agenda: Opening Remarks and business of the Board.

Closed: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Paulette S. Gray, Ph.D., Director Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240–276–6340 *grayp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NCAB: *https://deainfo.nci.nih.gov/advisory/ncab/ncabmeetings.htm,* where an agenda, instructions for accessing the virtual NCAB meetings, and any additional information for the meetings will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: March 28, 2025.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–05687 Filed 4–1–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO #4820000251; Order #02412–014–004–047181.0]

Draft Environmental Assessment, Public Hearing, and Request for Comment on the Draft Environmental Assessment, Maximum Economic Recovery, and Fair Market Value for the Freedom Mine Company Proposed Emergency Federal Coal Lease-by-Application and Mining Plan Modification for NDM 111186 and Mining Plan Modification for NDM 091535, Mercer County, ND

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability and public hearing.

SUMMARY: The Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSMRE) announce that a draft environmental assessment (EA) is available for public review and

comment for the Coteau Property Company's emergency Federal coal lease-by-application (LBA) for Freedom Mine, serial number NDM–111186, and mining plan modifications for NDM–091535 and the proposed NDM–111186. The BLM and OSMRE also announce that a public hearing will be held to receive comments on the draft EA, Fair Market Value (FMV), Maximum Economic Recovery (MER), and on factors that may affect the FMV and MER determinations of the coal resources contained in the proposed LBA lease tracts. The BLM and OSMRE take these actions in compliance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended.

DATES: The draft EA will be available for public comment on April 2, 2025. To receive due consideration, written comments must be received by the BLM Montana/Dakotas State Office no later than May 2, 2025.

A public hearing will be held on April 24, 2025, at 3 p.m. central time (CT).

ADDRESSES: The public hearing will be held at the Beulah Civic Center, 120 7th Street NE, Beulah, ND 58523. Any updates to the public hearing will be provided through the ePlanning project website and a press release.

The draft EA and documents pertinent to this proposal are available for review on the BLM ePlanning project website at *https://eplanning.blm.gov/eplanning-ui/project/2036373/510*. Please submit your comments to this website.

FOR FURTHER INFORMATION CONTACT: Tessa Wallace, BLM Montana/Dakotas State Office, Solid Minerals, 5001 Southgate Dr., Billings, MT 59101; telephone: 406–896–5086; email: *tlwallace@blm.gov.*

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Wallace. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The purpose and need for the BLM's Federal action is to respond to Coteau Properties Company's emergency LBA to lease Federal coal resources at the Freedom Mine in North Dakota. The Federal tracts contain approximately 24 million tons of minable coal over approximately 1,350 acres, which could be mined through 2045. The purpose of OSMRE's Federal action is to conduct a thorough analysis of the potential environmental effects of the proposed mining plan modification for both the NDM 091535 and the proposed NDM 111186 leases. OSMRE will use this analysis to inform its recommendation to the Assistant Secretary for Land and Minerals Management, who may approve, disapprove, or approve with conditions the proposed Federal mining plan modification. Four alternatives are analyzed in the draft EA.

Comments on the draft EA, FMV, and MER received from the public will be considered and incorporated as appropriate into the final EA and written report.

The tracts for the proposed NDM 111186 lease underlie private surface and are described as follows:

Fifth Principal Meridian, North Dakota

Fifth Principal Meridian, North Dakota

T. 145 N., R. 86 W.,
Sec. 2, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 4, lots 2 thru 4, S½NW¼, and SW¼SW¼;
Sec. 6, lots 3 thru 5 and SE¼NW¼.
T. 146 N., R. 86 W.,
Sec. 30, NE¼SW¼;
Sec. 32, E½NE¼ and E½SE¼;
Sec. 36, N½NE¼SE¼ and N½NW¼SE¼.
T. 144 N., R. 89 W.,
Sec. 2, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and W½SE¼;
Sec. 12, W½.

The areas described aggregate 1,342.18 acres, according to the surveys of the said land, on file with the BLM.

The tracts for the proposed mining plan modification for NDM 091535 underlie private surface and are described as follows:

Fifth Principal Meridian, North Dakota

Fifth Principal Meridian, North Dakota

T. 145 N., R. 88 W.,
Sec. 4, E½.
T. 144 N., R. 89 W.,
Sec. 12, E½.

The areas described are, in aggregate, 640 acres, according to the land surveys on file with the BLM.

Through this notice, the BLM and OSMRE are inviting the public to provide comments regarding the potential environmental impacts related to the proposed action and any factors that may affect the determinations of the FMV and MER.

Any proprietary information or data that you submit to the BLM must be marked as confidential and mailed directly to the BLM Montana-Dakotas State Office, Attention: Tessa Wallace (see **FOR FURTHER INFORMATION CONTACT**) to assure the data will be treated in accordance with the applicable laws and regulations governing the confidentiality of such information or data. A copy of the comments submitted by the public on the draft EA, FMV, and MER for the tracts, except those portions identified as proprietary and that meet one of the exemptions in the Freedom of Information Act, will be available for public inspection at the BLM Montana/Dakotas State Office (see **FOR FURTHER INFORMATION CONTACT**), during regular business hours (8 a.m. to 4:30 p.m. CT), Monday through Friday, except Federal holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, the BLM cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1506.6, 43 CFR 3425.3 and 3425.4)

Joshua F. Alexander,

Deputy State Director, BLM Montana/Dakotas.

[FR Doc. 2025–05671 Filed 4–1–25; 8:45 am]

BILLING CODE 4331–20–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–39858; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before March 22, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 17, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of

Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 22, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

CALIFORNIA

San Bernardino County

Woods Wash, Address Restricted, Goffs vicinity, SG100011752

CONNECTICUT

Tolland County

Stafford Springs Historic District, E Main St., Furnace Ave., Main St., Highland Ter., River Rd., Silver St., Spring St., Stafford, SG100011768

FLORIDA

Duval County

Clara White Mission, DU02071, 611–615 West Ashley Street, Jacksonville, SG100011739

KANSAS

Dickinson County

Pray Farmstead(s) (Agriculture-Related Resources of Kansas MPS), 178 Hawk Road, Hope, MP100011740

KENTUCKY

Jefferson County

Reliance Varnish Company Building, 915 East Kentucky Street, Louisville, SG100011757

MASSACHUSETTS

Bristol County

Attleboro Jewelry Industry Historic District, 12 Dunham Street; 37, 42, 46, 49, 50, 54 Union Street, Attleboro, SG100011758

Suffolk County

South End District (Boundary Increase II), 401 Shawmut Avenue; 63–71, 75, 77, 79, 83 West Brookline Street; 73 West Brookline Street/403 Shawmut Avenue, 1511–1525 Washington Street, Boston, BC100011759

MISSISSIPPI

Jones County

Evans House and Barn, 159 Wisteria Trail house and 161 Wisteria Trail (barn), Laurel, SG100011760

NEW YORK

Chautauqua County

First Presbyterian Church, Jamestown, New York, 509 Prendergast Avenue, Jamestown, SG100011762

Erie County

Ahavas Achim Cemetery, 532 Pine Ridge Heritage Blvd., Cheektowaga, SG100011765

New York County

Church of St. Edward the Martyr, 8–14 East 109th Street, New York, SG100011763

Marcus Garvey Park, Mount Morris Park West, 120th St., Madison Ave., 124th Street, New York, SG100011764

OREGON

Curry County

Port Orford City Jail, 7th Street near Jefferson Street, No Street Number, Port Orford, SG100011755

TEXAS

Brewster County

Holland Hotel, 201 and 209 West Holland Avenue, Alpine, SG100011753

Dallas County

Rosenfield, Max J. and Jennie, House, 1419 Beaumont Street, Dallas, SG100011754

VIRGINIA

Norfolk INDEPENDENT CITY

Talbot Park Apartments (Garden Apartment Complexes of Norfolk, Virginia MPS), 118 Warren Street, Norfolk, MP100011772

WEST VIRGINIA

Berkeley County

Forest Hill School, 12556 Apple Harvest Drive, Martinsburg, SG100011742

Cabell County

Bethel Memorial Park Cemetery, South end of Bethel Road, Huntington, SG100011743

Greenbrier County

Chapel of the Immaculate Conception of the Blessed Virgin Mary, Catholic Church Road, Williamsburg, SG100011744

Jefferson County

Houser-Mahoney House, Carter Avenue across from intersection of Timber Ln., Bakerton vicinity, SG100011745

Additional documentation has been received for the following resource(s):

ARIZONA

Pima County

West University Historic District (Additional Documentation), Roughly bounded by Speedway Blvd., 6th St., Park and Stone Aves., Tucson, AD80004240

COLORADO

Routt County

Perry-Mansfield School of Theatre and Dance, 40755 Routt Co. Rd. 36, Steamboat Springs vicinity, AD95000794

GEORGIA

Fulton County

Thornton, Albert E., House (Additional Documentation), (West Paces Ferry Road MRA), 205 West Paces Ferry Rd., Atlanta, AD80004458

MASSACHUSETTS

Middlesex County

Longfellow House-Washington's Headquarters National Historic Site (Additional Documentation), Address Restricted, Cambridge, AD66000049

NEW MEXICO

Bernalillo County

St. John's Cathedral (Additional Documentation), (Buildings Designed by John Gaw Meem MPS), 318 Silver Ave., Albuquerque, AD100003029

NEW YORK

Columbia County

Hillsdale Hamlet Historic District (Additional Documentation), NY Rts. 22 & 23, Anthony, Cold Water & Maple Sts., Old Town & Pill Hill Rds., Hillsdale, AD09001283

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

INDIANA

Porter County

Porter County, Cowles Bog, 1100 N Mineral Springs Road, Chesterton vicinity, SG100011750

West Beach Historic District, 376 North County Line Road, Portage vicinity, SG100011751

Authority: Section 60.13 of 36 CFR part 60.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2025–05570 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039814; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Kansas, Lawrence, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Kansas intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Dr. Thomas Torma, The University of Kansas, Office of Audit Risk and Compliance, 1450 Jayhawk Boulevard, 351 Strong Hall, Lawrence, KS 66045, telephone (406) 850–2220, email *t-torma@ku.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Kansas, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 56 cultural items have been requested for repatriation. The 56 objects of cultural patrimony are attributed to ''unrecorded Potawatomi artist'' and are believed to come from northeastern Kansas. These include:

One beaded necklace, six arrows, one bow, and one lacrosse stick donated by John Edward Sullivan, a banker at Farmer's State bank in Mercier, KS, and possibly brother of Father Otho Sullivan, faculty at Benedictine College, to Father Nolte's collection at Benedictine College in 1924 and later transferred to the University of Kansas in 1992. A note associated with this collection says Potawatomie Indians, Mercier, KS (Mayetta Res).'' In addition, one bow donated to the Nolte Collection at Benedictine College by an unknown donor and time and transferred to the University of Kansas in 1994.

In addition, two hair ornaments, one beaded strip, one headband, and one beaded pouch were collected by Floyd Schultz, an amateur archaeologist and ethnographer, presumably during his time working with the Prairie Band of Potawatomi between 1931 and 1940 and donated to the University of Kansas in 1951.

During the 1930s, the Works Progress Administration (WPA) was active in educating Potawatomi children in traditional arts at the Clay School in Topeka, KS. These items were later donated to the Menninger Foundation, a local mental health institution at an unknown date, and donated to the University of Kansas in 1993. These include three dolls in cradleboards, two bandolier bags, five sashes, two headbands, one beaded garter, one lacrosse stick, one set of beaded armbands, one pair of beaded cuffs, one bow, four pairs of moccasins, two drawstring bags, and one set of dance aprons.

Other items transferred from the Menninger Foundation include one beaded wand, one prescription stick, one apple drying tray, one spirit doll, one medical kit, and one medical bag purchased from or donated by Bishop's Antiques in 1964 and 1965 of Topeka, KS. One unknown tool, possibly a pestle, purchased from a seller identified as Williams and Mitchell in 1964. A person with the surname Shopteese (first name Mae?) donated two pairs of beaded moccasins in 1961 and one peyote fan in 1963. In 1972 one pair of beaded gauntlets was donated to the Menninger Foundation by Bill Griley of Mayetta, KS after the passing of his wife, Cora Griley. Other items received from the Menninger foundation include 1 spirit doll in 1962 and one rattle at an unknown time from an unknown source.

Finally, one wearing blanket donated directly to the University of Kansas by Sallie Casey Thayer before 1928 (purchased by Thayer from W.H. Wilkinson of Kansas City, MO on March 3, 1920), as was one beaded headband donated by the estate of Gertrude Greene of Concordia, KS in 1962. One pair of beaded moccasins and one beaded leg band were donated to the University of Kansas by an unknown donor or donors at an unknown time.

Determinations

The University of Kansas has determined that:

- The 56 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Prairie Band Potawatomi Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the University of Kansas must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of Kansas is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05609 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039809; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New York State Office of Parks, Recreation & Historic Preservation, Waterford, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the New York State Office of Parks, Recreation & Historic Preservation (NYOPRHP) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after May 2, 2025.

ADDRESSES: Jessica Vavrasek, New York State Office of Parks, Recreation & Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, NY 12188–0189, telephone (518) 268–2199, email *Jessica.Vavrasek@parks.ny.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the NYOPRHP, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified. No associated funerary objects are present. These human remains were recovered through archaeological excavations conducted on and around Ganondagan State Park or through donated collections that were collected near Letchworth State Park. It is suspected that all of these remains were collected from disturbed contexts and were not removed from intact burials.

Consultation

Invitations to consult were sent to the Cayuga Nation; Seneca Nation of Indianans; Seneca-Cayuga Nation; Tonawanda Band of Seneca; and the Tuscarora Nation. The Seneca Nation of Indians and the Tonawanda Band of Seneca responded yes to NYOPRHP's request for consultation on this matter.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The NYOPRHP has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Seneca Nation of Indians and the Tonawanda Band of Seneca.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the NYOPRHP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The NYOPRHP is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05604 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039810; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Mount Holyoke College Art Museum, South Hadley, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Mount Holyoke College Art Museum intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after May 2, 2025.

ADDRESSES: Abigail Hoover, Associate Director of Registration and Collections, Mount Holyoke College Art Museum, Lower Lake Road, South Hadley, MA 01075, telephone (413) 538–2492, email *ahoover@mtholyoke.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Mount Holyoke College Art Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

One cultural item has been requested for repatriation. The object of cultural patrimony is a beaded jacket.

The object in this notice is part of the Joseph Allen Skinner Museum collection, which was donated to the Trustees of Mount Holyoke College by Skinner after his death in 1946. Like many of the objects in the Skinner collection, there is no extant provenance information, and it is unclear when these objects were acquired, though pictures show the display of these objects by Skinner as early as 1934.

The jacket in the Skinner Museum collection is imbued with ongoing historical, traditional, and/or cultural importance to the Flandreau Santee Sioux Tribe. The jacket is embroidered with a widely practiced style of beadwork using culturally significant colors and designs.

Based on the above definitions and a general knowledge of these objects possessing cultural significance, the claim for repatriation to the Flandreau Santee Sioux Tribe will be honored.

Determinations

The Mount Holyoke College Art Museum has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Flandreau Santee Sioux Tribe of South Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Mount Holyoke College Art Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Mount Holyoke College Art Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05605 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039804; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History intends to repatriate certain cultural items that meet the definition of unassociated funerary objects or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, telephone (805) 682–4711, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation.

The one unassociated funerary object is a sample of tapa (kapa) cloth. This item was likely removed from the Hawai'ian Islands by Nan Oliver in the 1900s. It was donated to the Museum in 1987 by George and Audrey Guntermann of Santa Barbara, CA.

The one object of cultural patrimony is a small vial of Tūtū Pele's hair, a volcanic glass mineral sample from the volcano Mauna Loa. This item was removed from the Island of Hawai'i by Lorenzo Yates, likely in the late 1800s. It was donated to the Museum in 1948 by the estate of Mr. Frank Van Den Bergh of Santa Barbara, CA.

Determinations

The Santa Barbara Museum of Natural History has determined that:

- The one unassociated funerary object described in this notice was reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Hui Iwi Kuamo'o and the Office of Hawaiian Affairs.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05600 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039818; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Petrified Forest National Park, Petrified Forest, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Petrified Forest National Park (PEFO) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Superintendent, Petrified Forest National Park, 1 Park Road #2217, Petrified Forest, AZ 86028, telephone (928) 524–6228 Ext. 225, email *PEFO_Superintendent@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, PEFO, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records.

Abstract of Information Available

A total of 630 cultural items have been requested for repatriation. The number of unassociated funerary objects are 376 mosaic pieces, two worked shell pieces, one abalone shell pendant, two shell pendant fragments, 10 bowls, 191 shell beads, one turquoise bead, one awl, one jar, 40 pottery sherds, and five shell bracelet fragments. In 1953, the items were removed from Site NA5065 in Apache County, AZ. The cultural items were removed from three burials by Fred Wendorf, as part of his doctoral research at Harvard University. Human remains were not removed from these burials. The items are in the physical custody of the Museum of Northern Arizona in Flagstaff, AZ. Archeological site context and types of funerary objects suggest that this site was occupied by ancestral Puebloan peoples. Ethnographic and archeological evidence, including burial orientation, body position, and the type and placement of the funerary objects, indicates that the mortuary practices of these ancestral Puebloan peoples correspond closely with those of the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Determinations

PEFO has determined that:

- The 630 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Hopi Tribe of Arizona and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, PEFO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. PEFO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05613 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039802; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, telephone (805) 682–4711, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects consist of two charmstones and one serpentine fragment. The first charmstone is made of granite with the tip broken off and remnants of asphaltum on the end. The second charmstone is made of granite. The small serpentine fragment has a hole drilled through one portion. These items were collected from unprovenienced locations in Solano County, California by Rodney M. Rulofson, a historical columnist with the Solano County Courier. They were donated to the Museum in 1962.

Determinations

The Santa Barbara Museum of Natural History has determined that:

• The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a reasonable connection between the cultural items described in this notice and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (previously listed as Kletsel Dehe Band of Wintun Indians); and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05598 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039811; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Beloit College, Logan Museum of Anthropology, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Beloit College, Logan Museum of Anthropology (LMA) intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after May 2, 2025.

ADDRESSES: Nicolette B. Meister, Beloit College, Logan Museum of Anthropology, 700 College Street, Beloit, WI 53511, telephone (608) 363–2305, email *meistern@beloit.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object (16928) is an undrilled slate gorget removed by Charles Hatch in 1891 from a burial in a mound located on his farm in Lot 118, Stockbridge Reservation, Calumet County, WI. Frederick Stanton Perkins purchased the gorget from Mr. Hatch and sold it to the LMA in 1904. The Stockbridge Munsee Community, Wisconsin lived in New York and Massachusetts before relocation to the east shore of Lake Winnebago in Calumet County, WI in the 1830s. Lot 118 was assigned to Austin E. Quinney, a Mohican sachem. Because the gorget was removed from a mound, it may pre-date Stockbridge Munsee occupation in Calumet County. Lake Winnebago falls within the ancestral territory of the Ho-Chunk Nation of Wisconsin and the Menominee Indian Tribe of Wisconsin. The LMA has no record that the gorget was exposed to any hazardous substances while in the LMA's stewardship.

Determinations

The LMA has determined that:

• The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a reasonable connection between the cultural item described in this notice and the Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or

Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05606 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039798; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Deanna Byrd, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 384–0672, email *deannabyrd@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The one associated funerary object removed from Springfield, Hampden County, MA, is one lot of faunal remains. This associated funerary object was removed by P. B. Moore in 1922 and donated to the PMAE by Ruth Otis Sawtell the same year. The associated human remains representing, at least, one individual were included in a Notice of Inventory Completion published in the **Federal Register** on October 25, 2023 (88 FR 73365–73366). These human remains have been repatriated to the Stockbridge Munsee Community, Wisconsin.

The two associated funerary objects removed from an ''Indian Burial Place'' (19–HD–153) on the bank of the Connecticut River in Longmeadow, Hampden County, MA, are one lot of faunal remains and one lot of stone fragments. These two associated funerary objects were removed by Frederic Ward Putnam as part of a PMAE Expedition in 1883. The associated human remains representing, at least, one individual were included in a Notice of Inventory Completion published in the **Federal Register** on October 25, 2023 (88 FR 73365–73366).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The three objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary objects in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05594 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039815; PPWOCRADN0–PCU00RP14.R50000]

Notice of Proposed Transfer or Reinterment: No Man's Land Historical Society, Goodwell, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the No Man's Land Historical Society proposes to transfer human remains listed in a notice of inventory completion published in the **Federal Register** on January 17, 2025.

DATES: Repatriation, transfer, or reinterment of the human remains in this notice may occur on or after May 2, 2025.

FOR FURTHER INFORMATION CONTACT: Sue Weissinger, No Man's Land Historical Society, telephone 580–349 (2670), email *nmlhs@outlook.com.* Individuals

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: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the No Man's Land Historical Society, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

This notice follows publication of a notice of inventory completion in the **Federal Register** (90 FR 5995, January 17, 2025). Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. One individual adult was removed from a site six miles west of Texhoma Texas County, Oklahoma and donated on May 11, 1976. The second adult was uncovered while excavating sand for construction in a sand pit north of Guymon, Texas County, Oklahoma. The individual was 6′ to 7′ deep in the sand. Donated to No Man's Land Museum on May 28, 1976.

Consultation

Invitations to consult were sent to the Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; The Osage Nation; and the Wichita & Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

The Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; The Osage Nation; and the Wichita & Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma agreed to consult. The Quapaw Nation declined to comment.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains in this notice are available: anthropological, archaeological, geographical, and expert opinion. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains.

2. No Indian Tribe or Native Hawaiian organization connected to the human remains.

3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The No Man's Land Historical Society has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- No known lineal descendant who can trace ancestry to the human remains in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains in this notice has been clearly or reasonably identified.
- The Cheyenne and Arapaho Tribes, Oklahoma have requested transfer of the human remains described in this notice.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **FOR FURTHER INFORMATION CONTACT**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation, transfer, or reinterment of the human remains described in this notice may occur on or after May 2, 2025. If requests for repatriation are received, the No Man's Land Museum must evaluate the requests and respond in writing to the requestors. The No Man's Land Museum is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05610 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039816; PPWOCRADN0–PCU00RP14.R50000]

Notice of Proposed Transfer or Reinterment: No Man's Land Historical Society, Goodwell, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the No Man's Land Historical Society proposes to transfer human remains and associated funerary objects listed in a notice of inventory completion published in the **Federal Register** on January 16, 2025.

DATES: Repatriation, transfer, or reinterment of the human remains and associated funerary objects in this notice may occur on or after May 2, 2025.

FOR FURTHER INFORMATION CONTACT: Sue Weissinger, No Man's Land Historical Society, telephone 580–349 (2670), email *nmlhs@outlook.com.* Individuals 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: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the No Man's Land Historical Society, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

This notice follows publication of a notice of inventory completion in the **Federal Register** (90 FR 4795–4796, January 16, 2025). Human remains representing, at least, one individuals have been identified. The six associated funerary objects are five harrell points and one stone knife blade. The individual was excavated by an unknown party on the Sprowles Ranch near Cheyenne, Oklahoma in Roger Mills County and loaned to the No

Man's Land Museum on January 22, 1965. It was in a cairn as evidenced by two photographs that were loaned.

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The individual adult was removed from a site near Felt, Cimarron County, Oklahoma and donated on May 4, 1974.

Human remains representing, at least, one individual have been identified. The one associated funerary object is horse bones. The individual was excavated one mile west and one-half mile south of Four Corners on Highway 64 in Texas County, Oklahoma. It was loaned to the No Man's Land Museum on August 10, 1936.

It is unknown if harmful substances were used.

Consultation

Invitations to consult were sent to the Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; The Osage Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma. The Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; The Osage Nation; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma agreed to consult. The Quapaw Nation declined to comment.

Cultural Affiliation

The following types of information about the cultural affiliation of the human remains and associated funerary objects in this notice are available: anthropological, archaeological, geographical, and expert opinion. The information, including the results of consultation, identified:

1. No earlier group connected to the human remains or associated funerary objects.
2. No Indian Tribe or Native Hawaiian organization connected to the human remains or associated funerary objects.
3. No relationship of shared group identity between the earlier group and the Indian Tribe or Native Hawaiian organization that can be reasonably traced through time.

Determinations

The No Man's Land Historical Society has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- The seven objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- No known lineal descendant who can trace ancestry to the human remains and associated funerary objects in this notice has been identified.
- No Indian Tribe or Native Hawaiian organization with cultural affiliation to the human remains and associated funerary objects in this notice has been clearly or reasonably identified.
- The Cheyenne and Arapaho Tribes, Oklahoma have requested transfer of the human remains and associated funerary objects described in this notice.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **FOR FURTHER INFORMATION CONTACT**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation, transfer, or reinterment of the human remains and associated funerary objects described in this notice may occur on or after May 2, 2025. If requests for repatriation are received, the No Man's Land Museum must evaluate the requests and respond in writing to the requestors. The No Man's Land Museum is responsible for sending a copy of this notice to any consulting lineal descendant, Indian Tribe, or Native Hawaiian organization.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05611 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039813; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Cleveland Museum of Natural History, Cleveland, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Cleveland Museum of Natural History (CMNH), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Dr. Gavin Svenson, Cleveland Museum of Natural History, 1 Wade Oval Drive, Cleveland, OH 44106, telephone (216) 231–4600 Ext. 3315, email *gsvenson@cmnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the CMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 416 individuals have been identified. The 705 associated funerary objects are pottery, lithics, bone beads and implements, animal teeth, drilled and worked animal bone, shell beads, netsinkers, projectile points, and pipes. All individuals and AFOs accounted for in this NIC come from Ohio.

Private individuals between the 1960s and 1980s donated human remains representing 73 individuals and 52 AFOs from Ashtabula, Cuyahoga, Erie, Franklin, Lake, Lorain, Richland, Sandusky, and Scioto counties to CMNH. Additional individuals and AFOs excavated by CMNH staff or received with archaeological provenience are as follows: 39 individuals and one AFO were excavated by CMNH staff in Adams county in 1977 (33Ad000, Manchester Boat Ramp site and 33Ad36, Killen site). One individual was excavated by CMNH staff in Ashtabula county in 1971 (33Ab2, Conneaut Fort site), and an additional 11 individuals were excavated by CMNH staff from the same county in 1977 (33Ab40, Eastwall site). Twenty-five individuals were excavated by CMNH staff in four separate salvage excavations in Cuyahoga county between 1969 and 1981 (33–CU–236, Penco Interchange site, 33Cu30, Hillside Road site, 33–CU–34, Squaw Rockshelter site, and 33Cu8, South Park

site). One individual was excavated in Erie county as part of a salvage excavation and later transferred to CMNH in 1975 (33Er18, Kelley mansion site, Kelleys Island). Another individual and 13 AFOs were excavated from the same county in 1983 during a salvage excavation and later transferred to CMNH in 2007 (33ER280, Harbour site). From Lake county, 11 individuals were excavated during a salvage excavation by CMNH staff in 1963 (33La11, Bartholomew Site), and one individual was excavated by CMNH staff in 1993 (33La158, Vrooman Road site). An extensive salvage excavation directed by CMNH staff from 1981–2003 uncovered 27 individuals and four AFOs at the Kerniskey site in Lake county, while an equally extensive salvage excavation directed by CMNH staff from 1981–1987 uncovered 172 individuals and at least 505 AFOs (33La139, Norma Grantham site). One individual was excavated by CMNH in 1966 from Meigs county (33Ms2, Hobson site). A salvage excavation of a mound from 1966–1967 in Ross county uncovered three individuals (33Ro22, Edwin Harness Mound, Liberty Works). One individual was collected by CMNH staff in 1975 in Sandusky. One individual and 70 AFOs were collected by CMNH staff in Summit county in 1971 (33–SU–14, Everett Knoll site). An excavation by amateur archaeologists between 1964–1967 uncovered 45 individuals, and 60 AFOs in Tuscarawas county (33Tu2, Riker site). All of this was donated to CMNH in 1971. One individual was excavated during a summer field school from Lorain county (33LA15, Burrell Orchard site).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The CMNH has determined that:

- The human remains described in this notice represent the physical remains of 416 individuals of Native American ancestry.
- The 705 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the CMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The CMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05608 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039808; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Miami, Coral Gables, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Miami has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Dr. Traci Ardren, Interim Department Chair, University of Miami, Anthropology Department, 5202 University Drive, Merrick Building Room 102, Coral Gables, FL 33146, telephone (305) 284–2535, email *tardren@miami.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Miami, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 3,826 associated funerary objects include: Antler: 27 total (12 antler artifacts and 15 unmodified antler fragments); one bone bead; Faunal bone: 768 total lots of faunal bone (759 skeletal elements or fragments; nine artifacts [one chisel, one perforator, two pins, four points, one tool]); one turtle shell; one piece of charcoal; one crab claw; 10 clay samples; one coin; one composite tool (of bone and wood); four coprolites (most likely alligator); 313 core samples; 70 fossils (shell, wood, faunal, coral, flora); eight fossilized teeth (quadriped and Miocene sharks); one tree fungus; Lithics: 129 total lots of lithics (120 unspecified lithics; nine artifacts [six points, two bifaces, one atlatl counterweight]); one iron nail; two greenstone pendants; one leaf; 348 lots of rock; one lot of sand stratum; Sediment samples: 287 total lots of sediment samples (263 sediment samples; 19 sediment with rock samples; five wood and sediment samples); one lot of seeds; Shell: 619 lots of shell (611 unmodified land and marine shells; eight shell artifacts [one hammer, five tools, one pendant, one dipper]); one speleothem; Wood: 1,143 lots of wood (1,105 wood samples; 38 wood artifacts [one boomerang, one drill, one point, three tools, five stakes, 27 unspecified]), and 86 unknown items.

These artifacts and ecofacts were recovered from the submerged spring basin and adjacent wetland deposits at the Little Salt Spring Site in Sarasota County, Florida (sites 8SO18 and 8SO79, respectively); the site is listed on the National Register of Historic Places. Limited underwater

archaeological test excavations occurred sporadically at the site from 1971–1980, under Carl Clausen, and continued from 1992–2011, under John Gifford. Preservation of organic materials is exceptional given the anoxic nature of the spring's water. The materials are currently housed at the Department of Anthropology at the University of Miami. Based on radiocarbon testing, materials recovered from LSS provide evidence of humans inhabiting the site during the Paleo-Indian period (between 12,000–8,500 years B.P.) and the Archaic period (between 8,500–5,200 years B.P.). During the Middle Archaic, the spring was used as a ''mortuary pond.'' There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

The University of Miami has determined that:

- The 3,826 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Miccosukee Tribe of Indians; Seminole Tribe of Florida; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the University of Miami must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The University of Miami is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05603 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039799; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Deanna Byrd, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 384–0672, email *deannabyrd@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 45 cultural items have been requested for repatriation. The 26 unassociated funerary objects from an ''Indian Burial Place'' in Longmeadow, Hampden County, MA, are two lots of ceramic sherds, one lot of stone gorget fragments, one lot of quartz and stone chips and fragments, 18 lots of finished and unfinished projectile points, three lots of stone tools, and one brass bullet. These 26 unassociated funerary objects were removed from the ''Indian Burial Place'' by Frederic Ward Putnam and B. Wilson Lord in 1882 and 1883 as part of PMAE Expeditions and donated to the PMAE in 1883.

The 18 unassociated funerary objects from the banks of the Connecticut River in Agawam, Hampden County, MA, are 17 unassociated funerary objects that are currently present at the PMAE and one unassociated funerary object that is currently missing. The 17 unassociated funerary objects that are currently present at the PMAE are two lots of projectile points, 11 lots of ceramic sherds, and four lots of quartz and stone implements. The one unassociated funerary object that is currently missing is one brass button. These 18 unassociated funerary objects were collected by B. Wilson Lord in 1884 and 1885 and donated to the PMAE by Lord in 1884 and 1885.

The one unassociated funerary object from a village site near Springfield, Hampden County, MA, is one lot of faunal remains. This unassociated funerary object was collected by Harry Andrew Wright in 1895 and donated by him to the PMAE the same year.

Determinations

The PMAE has determined that:

- The 45 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Stockbridge Munsee Community, Wisconsin.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this

notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05595 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039801; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History (AMNH) intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribe in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the AMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 40 cultural items have been requested for repatriation. The 40 objects of cultural patrimony comprise a partial Beaver Bundle. Dr. Clark Wissler, Curator of the Department of Anthropology, purchased the bundle in 1917 from a family member of the previous owner. The Beaver Bundle was accessioned that same year.

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Determinations

The American Museum of Natural History has determined that:

- The 40 objects of cultural patrimony described in this notice are objects that have ongoing historical, traditional, or cultural importance central to a Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the AMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The AMNH is responsible for sending a copy of this notice to the Indian Tribe identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05597 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039805; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Sam Noble Oklahoma Museum of Natural History (SNOMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the SNOMNH, and

additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 268 individuals were removed from the Akers site (34Lf32) in LeFlore County, OK. This site was excavated by the Works Progress Administration in 1941 and transferred to the Museum the same year. The human remains include 68 adult females, 43 adult males, 19 adolescents, 35 children, four infants, 44 adult probable females, 19 adult probable males, 33 adults for whom sex could not be determined, and three individuals for whom age and sex could not be determined. No known individuals were identified. The 313 associated funerary objects are eight complete ceramic vessels, 11 ceramic vessel fragments, 30 bags of potsherds, 63 stone projectile points, six manos, six boatstones, three stone celts, two stone knives, two paintstones, one stone gorget, one ceramic conical miniature bowl, one stone atlatl weight, seven worked stones, five unmodified stones, six bone awls, two bags of awl fragments, three bags of bone beads, three bone hair pins, one bag of animal tooth pendants, 11 bags of worked bone, eight bags of deer antler fragments, one partial dog skeleton, three bags of turtle shell fragments, two bags of beaver teeth, one bag of dog teeth, 104 bags of animal bone, five bags of worked shell, three bags of shell beads, two worked conch shells, one shell pendant, one unmodified conch shell, seven bags of shell fragments, one burned wood fragment, one bag of wood post fragments, and one pecan shell. The human remains and associated funerary objects from site 34Lf32 were interred during the Fort Coffee phase (A.D. 1450–1600).

Human remains representing, at least, 16 individuals were removed from the Henry Heflin II site (34Lf13) in LeFlore County, OK. This site was excavated by the Works Progress Administration in 1941 and transferred to the Museum the same year. The human remains include three adult females, five adult males, one child, four probable adult females, two probable adult males, and one adult for whom sex could not be determined. The 12 associated funerary objects are four stone projectile points, two bags of paintstones, one worked stone, one worked animal bone, one bag of deer antler fragments, one animal tooth, and two bags of animal bone fragments.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The SNOMNH has determined that:

- The human remains described in this notice represent the physical remains of 284 individuals of Native American ancestry.
- The 325 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the SNOMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The SNOMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05601 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039803; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Santa Barbara Museum of Natural History, Santa Barbara, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Santa Barbara Museum of Natural History intends to repatriate certain cultural items that meets the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Luke Swetland, President and CEO, Santa Barbara Museum of Natural History, 2559 Puesta del Sol, Santa Barbara, CA 93105, telephone (805) 682–4711, email *lswetland@sbnature2.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Santa Barbara Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one lot of unassociated funerary objects consists of 98 red and white Hudson Bay Trading Company glass beads, some fused together by fire as a result of a Nez Perce cremation. These items were collected from an unprovenienced Nez Perce burial location. They were donated to the Museum in 1974 by Mrs. Lisa Wright of Baldwin Park, CA.

Determinations

The Santa Barbara Museum of Natural History has determined that:

• The one lot of unassociated funerary objects described in this notice was reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a reasonable connection between the cultural items described in this notice and the Nez Perce Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Santa Barbara Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Santa Barbara Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05599 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039812; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: National Museum of Wildlife Art of the United States, Jackson, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the National Museum of Wildlife Art of the United States intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Tammi Hanawalt, Curator of Art, National Museum of Wildlife Art, P.O. Box 6825, Jackson, WY 83002, telephone (307) 732–5451, email *thanawalt@wildlifeart.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the National Museum of Wildlife of the United States, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. One sacred object, a red catlinite buffalo effigy pipehead, and three objects of cultural patrimony, including a plains style beaded man's vest and two beaded effigy pipe bags, one with buffalo (1885) and the second with deer and elk (1885). The sacred object and those of cultural patrimony, listed herein, were purchased by the Museum's founder, which were in turn donated to the Museum. We have little provenance on these objects and question their origin.

The motifs on the pipe bags show to be parallel to Lakota bands; Mni Counjou, Two Kettle, and San Arc, based on other referenced pieces identified. Cultural affiliation of the cultural items to the Fort Peck Assiniboine & Sioux Tribes is identified clearly by understanding the ''SIOUX'' organizational structure and government placement. Fort Peck became the home to a variety of Siouan subdivision bands under the Lakota, Dakota and Nakoda peoples. Fort Peck Tribes are closely related and associated with (if not all) other Siouan Reservations throughout the North/South Dakotas, Minnesota, Nebraska, as well as Canadian reserves.

Determinations

The National Museum of Wildlife Art of the United States has determined that:

• The one sacred object described in this notice are specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

• The three objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

• There is a reasonable connection between the cultural items described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the National Museum of Wildlife Art of the United States must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The National

Museum of Wildlife Art of the United States is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05607 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–39797; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before March 15, 2025, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 17, 2025.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 15, 2025. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

Key: State, County, Property Name, Multiple Name(if applicable), Address/Boundary, City, Vicinity, Reference Number.

COLORADO

Lake County

Twin Lakes District (Boundary Decrease), All or portions of Blocks 4–6, 9–11, 18–20, and a portion of 7th Street of the unincorporated Town of Twin Lakes. Colorado Highway 82 and Lake County Road 26 pass through the historic district.,Twin Lakes, BC100011731

ILLINOIS

Lake County

Libertyville Downtown Historic District, Ten Blocks in Downtown Libertyville Centered Around Milwaukee Ave, Libertyville, SG100011737

KANSAS

Douglas County

Baldwin City Downtown Historic District, Bounded by Grove Street to the north, 6th Street to the east, the alley behind High Street to the south, and 9th Street to the west., Baldwin City, SG100011708

Lyon County

McCarty, W.T. and Olivia, House, 1004 Rural Street, Emporia, SG100011717

Pawnee County

JG Edwards Building, 518 Broadway St, Larned, SG100011706

MINNESOTA

Otter Tail County

First Baptist Church, 101 West Summit Street, Battle Lake, SG100011725

NEW JERSEY

Monmouth County

Turf Club, 1200 Springwood Avenue, Asbury Park, SG100011730

NORTH CAROLINA

Guilford County

Elihu, Ann, and Abigail Mendenhall House, 1106 Skeet Club Road, High Point, SG100011736

OKLAHOMA

McIntosh County

Baccus House, 124331 S. 3981 Rd, Vernon, SG100011715

Tulsa County

Robert J. LaFortune Tower, (Tulsa Public Housing, 1966–1975 MPS), 1725 Southwest Blvd., Tulsa, MP100011716

WISCONSIN

Waukesha County

Blair, Senator William and Henrietta, House (Boundary Decrease), (Waukesha MRA), 434 Madison St., Waukesha, BC100011734

An owner objection received for the following resource(s):

MINNESOTA

Ramsey County

Hamm, Theodore, Brewing Company (Boundary Increase and Decrease), Minnehaha Ave. E. Between Payne Ave & Stroh Ave., St. Paul, BC100011735

A request for removal has been made for the following resource(s):

FLORIDA

Alachua County

WRUF Radio Station, Old, Museum Rd. and Newell Dr., Gainesville, OT89001479

MINNESOTA

Dodge County

Carlson, Ole, House, (Dodge County MRA), Hwy. 15, Kasson vicinity, OT82002944

Additional documentation has been received for the following resource(s):

ARKANSAS

Sebastian County

Wanslow, Robert, House (Additional Documentation), 2815 S Q St., Fort Smith, AD100002007

COLORADO

Lake County

Twin Lakes District (Additional Documentation), All or portions of Blocks 4–6, 9–11, 18–20, and a portion of 7th Street of the unincorporated Town of Twin Lakes. Colorado Highway 82 and Lake County Road 26 pass through the historic district., Twin Lakes, AD74000588

FLORIDA

Leon County

John Gilmore Riley House (Additional Documentation), 419 E. Jefferson St., Tallahassee, AD78000950

INDIANA

Monroe County

Bloomington West Side Historic District (Additional Documentation), Roughly bounded by W. 10th, N. Morton, W. 4th, and N. Adams Sts., Bloomington, AD97000055

IOWA

Dubuque County

St. Boniface of New Vienna Historic District (Additional Documentation), 7401 Columbus St., New Vienna, AD99001207

KANSAS

Johnson County

Broadmoor Ranch House Historic District (Additional Documentation), 6900–7017 W. 68th St., 6900–7001 W. 69th St., 6900–7019 W. 69th Terr., Overland Park, AD10001208

OKLAHOMA

McIntosh County

Dozier Mercantile Building, Broadway, Vernon, AD84003152

VIRGINIA

Richmond INDEPENDENT CITY

Monroe Ward (Additional Documentation), Roughly Main and Cary St., and 3rd to Jefferson Sts., Richmond (Independent City), AD99001717

WISCONSIN

Waukesha County

Blair, Senator William and Henrietta, House (Additional Documentation), (Waukesha MRA), 434 Madison St., Waukesha, AD83004327

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

COLORADO

San Miguel County

Burro Mine Complex, (Historic Radium, Uranium, and Vanadium Mining Resources in the Uravan Mineral Belt, Colorado MPS), Northern slope of Burro Canyon in rural western San Miguel County. Located off of San Miguel County Road 10S, north of the abandoned town of Slick Rock, Egnar vicinity, MP100011728

MONTANA

Phillips County

Zortman Ranger Station Historic District, Northwest End of Whitcomb Street, Zortman, SG100011723

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

[FR Doc. 2025–05569 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039800; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Schingoethe Center of Aurora University, Aurora, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Schingoethe Center of Aurora University, Aurora, IL intends to repatriate certain cultural items that meet the definition of sacred objects or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after May 2, 2025.

ADDRESSES: Zachary Bishop, Schingoethe Center of Aurora University, 347 S Gladstone Avenue, Aurora, IL 60506, telephone (630) 844–7845, email *zbishop@aurora.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Schingoethe Center of Aurora University, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of nine cultural items have been requested for repatriation.

The eight items of cultural patrimony consist of one Loom Woven Beaded Belt (1992.2.10); one Loom Beaded Belt (1992.2.46); one Beaded Pouch (1992.2.51); one Handwoven Sash (1992.2.66); one Pair of Loom Beaded Garters (1993.2.11); one Cradleboard (1989.1.89); one Flattened Roach (1989.3.17); and one Cloth Shirt with Velvet Panels (1989.1.97). The one sacred object is a tomahawk pipe (1989.5.9).

All of these objects were donated to the Schingoethe Center between 1989 and 1993 by Herb and Martha Schingoethe of Aurora, Illinois. The flattened roach was purchased by Herb Schingoethe in 1967, most likely in southwestern Colorado. The tomahawk pipe was purchased by Herb and Martha Schingoethe at an unknown time and location. All other objects were purchased by Herb and Martha Schingoethe through Dunning's Auction Service in Elgin, Illinois in 1989 and 1992. One of the two loom woven beaded belts was reportedly made by Hattie Rouge, a Winnebago woman who lived on the Winnebago Reservation in Nebraska and acquired by Charles F. Ayers around 1923. Available records do not include further ownership or location information for the objects. The flattened roach and cloth shirt with velvet panels were treated with Vikane brand sulfuryl fluoride in 1990. There are no institution records indicating the other objects were treated with potentially hazardous substances.

Determinations

The Schingoethe Center of Aurora University has determined that:

- The one sacred object described in this notice is a specific ceremonial object needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
- The eight objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Winnebago Tribe of Nebraska.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Schingoethe Center of Aurora

University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Schingoethe Center of Aurora University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05596 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039817; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Basin Region, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC (BIA), and U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Basin Region (Reclamation) have completed an inventory of human remains and associated funerary objects and have determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice. The human remains and associated funerary objects were removed from the Glen Canyon area of San Juan County, Utah, and are in the custody of the Utah Museum of Natural History, University of Utah, Salt Lake City, Utah; and the Museum of Northern Arizona, Flagstaff, Arizona.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Tamara Billie, U.S. Department of the Interior, Bureau of Indian Affairs, NAGPRA Manager, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox 44, Albuquerque, NM 87104, telephone (505) 879–9711, email *tamara.billie@bia.gov* and Zachary Nelson, U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Basin Region, 125 South State Street, Room 8100, Salt Lake City, UT 84138, telephone (801) 379–1164, email *znelson@usbr.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA and Reclamation, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

The 2019 Notices of Inventory Completion concerning human remains and associated funerary objects from Glen Canyon [84 FR 2922–2923, February 8, 2019, and 84 FR 2917–2918, February 8, 2019] should have acknowledged the deep and abiding connection Indian Tribes have to this place and their affiliation with the Ancestors from this area. Before publication, the following Indian Tribes shared with Reclamation information regarding their cultural affiliation with the Ancestors from this place: Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); Pueblo of Jemez, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Ute Tribe; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from site 42SA395 (Catfish Canyon) in San Juan County, Utah. The 18 associated funerary objects include, at minimum, two lots of cordage, knot; one lot of cradle pad; one lot of umbilical pad; one lot of enigmatic, hide, leather; one lot of textile, blanket fragment; one lot of hide clothing fragment; one lot of wood footrest; one lot of mat fragment; one lot of tool, wood, cradleboard; one lot of basketry/cradleboard; one lot of tool, wood, splint; one lot of cordage, knot; one lot of vegetal pad; one lot of feather necklace/cordage; one lot of textile, blanket; one lot of umbilical pad; and one lot of enigmatic, hide, leather fashioned into a hood. The University of Utah exhumed the individuals in 1958 as part of the Upper Colorado River Basin Archeological Survey Project (UCRBASP) during an excavation paid for by Reclamation on land managed by BIA.

Human remains representing, at least, one individual have been identified from site 42SA402 (NA7145, Lone Child Alcove) in San Juan County, Utah. The three associated funerary objects include at minimum, one lot of cradle board; one lot of textile fragments; and one lot of leather pouch. The Museum of Northern Arizona (MNA) exhumed the individual and associated funerary objects in 1959 as part of the UCRBASP during an excavation paid for by Reclamation on land managed by BIA.

Human remains representing, at least, four individuals have been identified from site NA7523 (Sand Dune Cave) in San Juan County, Utah. The 21 associated funerary objects include, at minimum, one lot of bone awl; one lot of worked antler; one lot of biface; one lot of bark bag; one lot of basketry fragment; one lot of deer hide; one lot of textile fragment; one lot of leather bag; one lot of faunal bone; one lot of shell ornament; one lot of fish scales; one lot of palette; one lot of faunal bone; one lot of projectile point; one lot of shell ornament; one lot of mano; one lot of worked bone; one lot of projectile point; one lot of stone pendant; one lot of mineral; and one lot of vegetal remains. MNA exhumed the individuals and associated funerary objects in 1961 as part of the UCRBASP during an excavation paid for by Reclamation on land managed by BIA.

Human remains representing, at least, one individual has been identified from site NA7658 (Charcoal Cave) in San Juan County, Utah. No associated funerary objects are present. MNA exhumed the individual in the 1950s as part of the UCRBASP during an excavation paid for by Reclamation on land managed by BIA.

Associated funerary objects were removed from a burial within site NA8639 in San Juan County, Utah. The three objects include, at minimum, one lot of a bowl; one lots of sherds; and one lot of flaked stone. MNA recovered this

material in the 1960s as part of the UCRBASP during an excavation paid for by Reclamation on land managed by BIA.

Associated funerary objects were removed from a burial within site NA8641 in San Juan County, Utah. The four objects include, at minimum, one lot of a jar; one lot of a bowl; one lot of sherds; and one lot of flaked stone. MNA recovered this material in the 1960s as part of the UCRBASP during an excavation paid for by Reclamation on land managed by BIA.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The BIA and Reclamation have determined that:

- The human remains described in this notice represent the physical remains of at least eight individuals of Native American ancestry.
- The 49 objects, or lots of objects, described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Confederated Tribes of the Goshute Reservation, Nevada and Utah; Eastern Shoshone Tribe of the Wind River Reservation Wyoming; Fort Sill Apache Tribe of Oklahoma; Havasupai Tribe of the Havasupai Reservation, Arizona; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Jicarilla Apache Nation, New Mexico; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northwestern Band of the Shoshone Nation; Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, and Shivwits Band of Paiutes); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Santo Domingo Pueblo; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Ysleta del Sur Pueblo; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representatives identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, BIA and Reclamation must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. BIA and Reclamation are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05612 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0039806; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Field Museum, Chicago, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Field Museum has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after May 2, 2025.

ADDRESSES: Helen Robbins, Provenance Research Director, 1400 S DuSable Lake Shore Drive, Chicago, IL 60605, telephone (312) 665–7317, email *hrobbins@fieldmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Field Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 45 individuals have been identified. The 14 associated funerary objects consist of ceramics. In 1899 and 1900, Jesse A. Burt, an employee of the Field Museum, conducted excavations at Hopi ancestral sites in Navajo and Coconino counties, including Wupatki and Wukoki Pueblos. The individuals and associated funerary objects were accessioned by the Museum in 1900. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Field Museum has determined that:

- The human remains described in this notice represent the physical remains of 45 individuals of Native American ancestry.
- The 14 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Hopi Tribe of Arizona.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after May 2, 2025. If competing requests for repatriation are received, the Field Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Field Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: March 21, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–05602 Filed 4–1–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR85672300, 19XR0680A2, RX.31480001.0040000; OMB Control Number 1006–0003]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Bureau of Reclamation Use Authorization Application

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments. To be considered, we must receive your comments on or before May 2, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently Under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Jason Kirby, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225–0007; or by email to *jkirby@usbr.gov.* Please reference OMB Control Number 1006–0003 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this information collection request (ICR), contact Jason Kirby by email at *jkirby@usbr.gov,* or by telephone at (303) 445–2895. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 5, 2024 (89 FR 87889). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Reclamation is responsible for approximately 6.5 million acres of land which directly support Reclamation's Federal water projects in the 17 Western States. Under title 43 CFR part 429, individuals or entities wanting to use Reclamation's lands, facilities, or waterbodies must apply using form 7–2540. Examples of such uses are:

—agricultural uses such as grazing and farming;

—commercial or organized recreation and sporting activities;

—other commercial activities such as ''guiding and outfitting'' and ''filming and photography;'' and,

—resource exploration and extraction, including sand and gravel removal and timber harvesting.

We review applications to determine whether granting individual use authorizations is compatible with Reclamation's present or future uses of the lands, facilities, or waterbodies. When we find a proposed use compatible, we advise the applicant of the estimated administrative costs and estimated application processing time. In addition to the administrative costs, we require the applicant to pay a use fee based on a valuation or by competitive bidding. If the application is for construction of a bridge, building, or other significant construction project, Reclamation may require that all plans and specifications be signed and sealed by a licensed professional engineer.

Title of Collection: Bureau of Reclamation Use Authorization Application.

OMB Control Number: 1006–0003.

Form Number: Form 7–2540.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, corporations, companies, and State and local entities who want to use Reclamation lands, facilities, or waterbodies.

Total Estimated Number of Annual Respondents: 400.

Total Estimated Number of Annual Responses: 400.

Estimated Completion Time per Response: 2 hours.

Total Estimated Number of Annual Burden Hours: 800 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Each time a use authorization is requested.

Total Estimated Annual Non-Hour Burden Cost: $140,000.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Peggy Mott,

Acting Director, Dam Safety and Infrastructure.

[FR Doc. 2025–05571 Filed 4–1–25; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–759 and 731–TA–1740–1741 (Preliminary)]

Multifunctional Acrylate and Methacrylate Monomers, and Acrylated Bisphenol-A Epoxy Based Oligomers From South Korea and Taiwan; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–759 and 731–TA–1740–1741 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of multifunctional acrylate and methacrylate monomers, and acrylated bisphenol-A epoxy based oligomers (''MAMMOs'') from South Korea and Taiwan, provided for in subheadings 2916.12.50, 2916.14.20, 3824.99.29, 3907.29.00, and 3907.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of Taiwan. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by May 12, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by May 19, 2025.

DATES: March 27, 2025.

FOR FURTHER INFORMATION CONTACT: Junie Joseph ((202) 205–3363), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to petitions filed on March 27, 2025, by Arkema, Inc., King of Prussia, Pennsylvania.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on Thursday, April 17, 2025. Requests to

appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before noon on Tuesday, April 15, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on April 22, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on April 16, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: March 28, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–05617 Filed 4–1–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 24–21]

Prescript Pharmaceuticals; Decision and Order

On November 17, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Prescript Pharmaceuticals of Pleasonton, California (Respondent). OSC/ISO, at 1. The OSC/ISO informed Respondent of the immediate suspension of its DEA registration, No. RP0177798, pursuant to 21 U.S.C. 824(d), alleging that Respondent's continued registration constitutes '' 'an imminent danger to the public health or safety.' '' *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Respondent's registration, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 824(a)(4), 823(a)(1)).

More specifically, the OSC/ISO alleges that between 2020 and 2023, Respondent, who is registered as a manufacturer engaged in repackaging and relabeling activities, ordered Schedule II opioids from a supplier without having requested or received any procurement quota from DEA, in violation of 21 CFR 1303.12(b).[1] *Id.* at 2; Tr. 99.

A hearing was held before DEA Chief Administrative Law Judge John J. Mulrooney, II (the Chief ALJ),[2] who, on October 31, 2024, issued his Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (Recommended Decision or RD), recommending that Respondent's registration be revoked. RD, at 37. The Government filed timely exceptions to the RD.[3] Having reviewed the entire record, the Agency adopts and hereby incorporates by reference the Chief

[1] The Government also alleged that Respondent ordered pseudoephedrine-guaifenesin, a List I chemical, from a supplier without having requested or received any procurement quota, in violation of 21 CFR 1315.32(a). The Chief ALJ did not sustain this allegation because, while pseudoephedrine is a List I chemical subject to quotas, *see* 21 CFR 1315.32(a), 21 U.S.C. 802(34)(K), the Chief ALJ found that the Government did not preponderantly establish that pseudoephedrine is still a List I chemical when combined with guaifenesin. RD, at 30 n.75. The Chief ALJ noted that the only pertinent evidence on this subject was the testimony of a DEA Diversion Investigator (DI), who equivocated on the stand about whether pseudoephedrine-guaifenesin is a List I chemical. RD, at 9; *compare* Tr. 140, 182 (''[T]he mix of the pseudoephedrine is a List I chemical, which is contained within the Pseudoephedrine-Guaifenesin.'') *with* Tr. 183 (''I don't know if the fact that it's mixed would change the fact that it contains a Listed I chemical'').

In its post-hearing brief and Exceptions, the Government observes that the CSA's implementing regulations (21 CFR 1315.11(a)) provide that among the Administrator's quota-related duties is the duty to make an annual assessment regarding the maximum amount of pseudoephedrine—*including any chemicals that contain pseudoephedrine*—that may be manufactured or imported. ALJX 37, at 13; RD, at 30 n.75; Government's Exceptions, at 4–5. Furthermore, there is no limiting language in DEA's regulations suggesting that quota would not be required for pseudoephedrine when it is combined with another chemical. DEA's regulations state that quota is required for ''any person . . . who desires to use during the next calendar year *any* . . . pseudoephedrine . . . for purposes of manufacturing.'' 21 CFR 1315.32(a) (emphasis added). Respondent apparently understood that pseudoephedrine-guaifenesin was a chemical for which quota is required, because Respondent requested quota from DEA for this chemical in 2017. GX 10, at 1 (requesting quota for pseudoephedrine and pseudoephedrine/guaifenesin).

However, given the overwhelming nature of the evidence establishing that Respondent's registration is inconsistent with the public interest, the Agency need not make any findings related to this allegation.

[2] On January 10, 2024, the Chief ALJ issued an order terminating proceedings, which Respondent successfully appealed to the Agency. RD, at 2; ALJX 10, 11, 12.

[3] The Agency has reviewed and considered the Government's exceptions and addresses them herein.

ALJ's rulings,[4] credibility findings,[5] findings of fact, conclusions of law, sanctions analysis, and recommended revocation sanction as found in the RD, and summarizes and clarifies portions thereof herein.

I. Applicable Law

As already discussed, the OSC/ISO alleges that Respondent violated multiple provisions of the Controlled Substances Act (CSA) and its implementing regulations. As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to manufacture, distribute, dispense, or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, labeling and packaging, production quotas, drug security, and recordkeeping.'' *Id.* at 14. The OSC/ISO's allegations concern the CSA's ''strict requirements regarding . . . labeling and packaging [and] production quotas'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Id.* at 12–14.

The Allegation That Respondent Purchased Controlled Substances Without Requesting or Obtaining Procurement Quota, in Violation of 21 CFR 1303.12(b)

The CSA requires manufacturers to obtain a registration from DEA prior to procuring controlled substances or engaging in manufacturing activities, 21 U.S.C. 823(a), (e), and authorizes DEA to place restrictions on registrants' manufacturing activities. Congress has provided the following definition of the term ''manufacture'':

> [T]he production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container . . . .''

21 U.S.C. 802(15); RD, at 21. The CSA's implementing regulations similarly define manufacturing to include ''the producing, preparation . . . or processing of a drug or other substance or the packaging or repackaging of such substance, or the labeling or relabeling of the commercial container of such substance . . . .'' 21 CFR 1300.01; RD, at 21.

Under the CSA and DEA's implementing regulations, the Attorney General is authorized to establish an annual aggregate production quota, which is defined as ''the total quantity . . . [of] each basic class of controlled substances in schedules I and II . . . to be manufactured each calendar year . . . .'' 21 U.S.C. 826(a); 21 CFR 1303.03(a); RD, at 21–22. The Attorney General is further authorized to establish individual procurement quotas restricting the quantity of controlled substances that manufacturers may procure each year for purposes of engaging in manufacturing activities. 21 U.S.C. 826; 21 CFR 1303. DEA's implementing regulations create five subcategories of manufacturing and procurement quotas, including one category for ''packaging/repackaging and labeling/relabeling'' activities. 21 CFR 1303.04(e). The regulations specify that this subcategory is limited to manufacturers that package/repackage or label/relabel controlled substances, without engaging in any other commercial production activities:

> This is the quota for the amount of material moved to a registrant to undergo packaging and labeling activities. This quota is limited to that activity only and only for the packaging/repackaging and labeling/relabeling noted in the application; it may not be used or substituted for commercial production.

Id.; see also 21 CFR 1315.30(b)(3) (''A procurement quota authorizes a registered manufacturer to procure and use quantities of each chemical for . . . [r]epackaging or labeling the chemical or dosage forms.''); 21 CFR 1303.03(c) (defining ''procurement quota'' as ''the maximum quantity of each basic class of schedules I and II controlled substances that a registered manufacturer may procure during a calendar year for the purpose of manufacturing into dosage-forms or other substances'').

DEA's regulations expressly delineate the obligations of manufacturer registrants with respect to quotas, stating:

> *Any person who is registered to manufacture controlled substances* listed in any schedule and who desires to use during the next calendar year any basic class of controlled substances listed in Schedule I or II . . . *for purposes of manufacturing, shall apply* . . . *for a procurement quota* for such basic class.

21 CFR 1303.12(b)[6] (emphasis added); RD, at 22. In other words, any entity that is registered with DEA to manufacture controlled substances *must apply for and obtain* a procurement quota before purchasing a Schedule I or Schedule II controlled substance for any manufacturing activity, including repackaging and labeling. 21 U.S.C. 842(b)(2); 21 CFR 1303.12(b); *see also* Tr. 192, 272 (DEA Drug Science Specialist testifying that manufacturer registrants engaged in packaging/repackaging and labeling/relabeling of controlled substances must apply for and obtain a procurement quota from DEA). The CSA prohibits a registrant from ''manufactur[ing] a controlled substance in schedule II . . . not expressly authorized . . . by a quota assigned to him . . . or in excess of a quota assigned to him.'' 21 U.S.C. 842(b)(2);[7] *Gonzales* v. *Raich,* 545 U.S. at 27; RD, at 27.

II. Findings of Fact

The Allegation That Respondent Purchased Controlled Substances Without Requesting or Obtaining Procurement Quota, in Violation of and 21 CFR 1303.12(b)

Respondent is a manufacturer of controlled substances in Pleasanton, California, primarily engaged in pharmaceutical repackaging and

[4] The Agency does not adopt the Chief ALJ's mootness analysis. The Agency has repeatedly held since 2019 that the fact that a registrant allows a registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.,* 84 FR 68474, 68476–79 (2019). See also *infra* n.20.

[5] The Agency adopts the Chief ALJ's summary of each witness's testimony, as well as the Chief ALJ's assessment of each witness's credibility. *See* RD, at 8–17.

[6] On November 28, 2023, substantive modifications were made to 21 CFR 1303.12(b), and it was redesignated as 21 CFR 1303.15. *See Mgmt. of Quotas for Controlled Substances and List I Chems.,* 88 FR 60117–02, 60128 (2023). This Decision cites to the original version at 21 CFR 1303.12(b), which was in place when the relevant misconduct occurred.

Respondent argues that the November 28, 2023 modifications *added* the requirement for packagers/repackagers to request quota, and that prior to this modification, packaging and repackaging activities did not require quota. Tr. 413, 482. Not only is Respondent's argument directly contradicted by the plain language of the statutes and regulations discussed herein, but it is directly contradicted by the order summarizing the modifications to 21 CFR 1303.12(b), which states that ''packaging and repackaging are manufacturing activities defined in the CSA and CFR and already require quota,'' and that ''[q]uota for Packaging/Repackaging and Labeling/Relabeling are already being utilized by DEA with full cooperation from all registrants.'' 88 FR at 60126, 60133.

[7] The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

relabeling. GX 1; RD, at 8, 13–14. William Hartig is the founder and president of Respondent. Tr. 112–13, 144–46, 340–41; RD, at 8, 13–14. Respondent first obtained authority to handle Schedule II controlled substances in 2010. Tr. 379.

Respondent has a long history of refusing to obtain procurement quota from DEA prior to purchasing Schedule II controlled substances, despite repeated encounters with DEA employees who cautioned Mr. Hartig that quota was required. *See infra* Section IV.A. These encounters included email communications with a DEA General Supervisor (GS) and other DOJ employees in 2013, 2017, and 2020; a Letter of Admonition (LOA) from DEA in 2014, and additional conversations with DEA employees during scheduled inspections. *See infra* Section IV.A.

The Government's allegations involve Respondent's failure to obtain procurement quota for Schedule II opioids in 2020 through 2023. ALJX 1, at 2–4.

In October 2021 and August 2023, DEA issued administrative subpoenas to obtain details about Respondent's purchases of controlled substances from a drug distributor. GX 2, 3; Tr. 102–06, 174; RD, at 9. The distributor's invoices showed that Respondent had ordered hydrocodone and oxycodone every year from 2020 through 2023. GX 4; Tr. 133–35, 155; RD, at 9–10. Hydrocodone and oxycodone are Schedule II controlled substances for which registered manufacturers must obtain procurement quota from DEA. 21 CFR 1308.12(b)(1) (identifying hydrocodone and oxycodone as Schedule II controlled substances); *id.* § 1303.12(b) (requiring registered manufacturers who ''desire[ ] to use during the next calendar year any basic class of controlled substances listed in Schedule I or II for purposes of manufacturing'' to apply for procurement quota).

DEA queried internal databases [8] and confirmed that Respondent had not requested or received any procurement quota from DEA for hydrocodone or oxycodone, and Mr. Hartig testified that Respondent did not apply for procurement quota from 2020 to 2023. Tr. 107–08, 115, 132–34, 157, 243–45, 439–40; Stipulations (Stips.) 6–10; RD, at 9.

On August 11, 2022, DEA conducted a scheduled inspection at Respondent. Tr. 98, 107, 143–44; RD, at 8. At the inspection, DEA investigators told Mr. Hartig that they had not found any paperwork indicating that Mr. Hartig had requested quotas from DEA for the controlled substances that Respondent had purchased. Tr. 156–58; RD, at 9. Mr. Hartig told DEA investigators that, in his opinion, Respondent was not required to request quota, and that he had no intention of requesting quota in the future unless DEA convinced him that the quota rules applied to Respondent's business activities. Tr. 157–58, 166; RD, at 9. The inspection team informed Mr. Hartig that Respondent was in violation of the regulations. Tr. 166–67; RD, at 9.

Based on the factual findings above, the Agency agrees with the Chief ALJ and finds substantial record evidence that: (1) Respondent was registered as a manufacturer during all times relevant to the charged misconduct, GX 1; RD, at 8, 13–14; (2) Respondent was engaged in packaging/repackaging or labeling/relabeling of controlled substances, which is activity that fits squarely within the statutory [9] and regulatory [10] definitions of manufacturing,[11] ALJX 1, at 2 ¶ 1; GX 1, 7, 8, 11, 15, 16, 18, 20, 23; RD, at 21–22; and (3) Respondent did not request procurement quota from DEA for the hydrocodone or oxycodone that it purchased in 2020 through 2023. Stips. 6–10; *see also* ALJX 2, at 2–3 ¶¶ 8, 11, 14, 17, 18; GX 4, 5; RD, at 5–6, 29.

III. Discussion

A. The Controlled Substances Act (CSA)

Under Section 304 of the CSA, ''[a] registration . . . to . . . manufacture, distribute, or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under [21 U.S.C. 823] . . . inconsistent with the public interest as determined under such section.'' 21 U.S.C. 824(a)(4). In the case of a ''manufacturer,'' Congress directed the Attorney General to consider six factors in making the public interest determination. *Id.* Sec. 823(a)(1–6).[12] The six factors are considered in the disjunctive. *Gonzales* v. *Oregon,* 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' citing *In re Arora,* 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003); *Direct Wholesale Denial of Application,* 69 FR 11654, 11655 (2004) (''As with the public interest analysis for practitioners and pharmacies pursuant to subsection [(g)(1) [13]] of section 823, these factors are to be considered in the disjunctive.''); *Alra Laboratories, Inc.,* 59 FR 50620, 50621 (1994), *aff'd Alra Labs.* v. *DEA,* 54 F.3d 450 (7th Cir. 1995). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall,* 412 F.3d. at n.2; *David H. Gillis, M.D.,* 58 FR 37507, 37508 (1993).

According to DEA regulations, ''[a]t any hearing for the revocation . . . of a registration, the . . . [Government] shall have the burden of proving that the requirements for such revocation . . . pursuant to . . . 21 U.S.C. 824(a) . . .

[8] The internal database was queried by a DEA Drug Science Specialist (DSS), who testified at the hearing about the Agency's process for reviewing and issuing procurement quotas to registrants. Tr. 243–45; RD, at 10. DSS testified that the internal ''quota management system'' has been operational since 2011 and records a registrant's application history, such as when the registrant applied, how much quota the registrant requested, and the result of the agency's adjudication of the application. Tr. 222, 227; RD, at 11.

[9] 21 U.S.C. 802(15).

[10] 21 CFR 1300.01.

[11] At the hearing, Respondent argued that it was not required to request quota because the activities that Respondent engaged in did not constitute manufacturing. RD, at 22–29. The Chief ALJ comprehensively addressed this argument in the RD, and the Agency hereby incorporates that analysis. *Id.* The Agency agrees that Respondent's arguments are contradicted by the plain language of the CSA and DEA's implementing regulations, as well as by DEA's *Quota User Manual* (*see infra* Section IV.A) and the consistent guidance that Respondent received from numerous DEA officials over several years. *Id.* As the Chief ALJ correctly observes, ''every relevant definition of manufacturing in the CSA and regulations include packaging/repackaging-labeling/relabeling activity. 21 U.S.C. 802(15); 21 CFR 1300.01. . . . The manufacturer registrant's obligation is clear: if an entity intends to engage in *any form of Schedule I and II manufacturing,* it must apply for quota, irrespective of whether the Administrator will grant one or not.'' RD, at 23, 25.

[12] The six factors of 21 U.S.C. 823(a) are:

(1) maintenance of effective controls against diversion of particular controlled substances . . . into other than legitimate medical, scientific, research, or industrial channels . . .;

(2) compliance with applicable state and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

These six factors are applicable to manufacturers of controlled substances in schedules I and II. The factors applicable to manufacturers of controlled substances in schedules III through IV are substantially similar. *See id.* Sec. 823(e).

[13] Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited here, as 21 U.S.C. 823(g)(1).

are satisfied.'' 21 CFR 1301.44(e); *see also Morall,* 412 F.3d. at 174.

In this matter, while all of the 21 U.S.C. 823(a) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* case is confined to factor five (past experience in the manufacture of controlled substances).[14] RD, at 19, 27, 30–31.

Having reviewed the record and the RD, the Agency agrees with the Chief ALJ, adopts the Chief ALJ's analysis, and finds substantial record evidence that the Government satisfied its *prima facie* burden of showing that Respondent's continued registration is ''inconsistent with the public interest.'' 21 U.S.C. 824(a)(4); RD, at 37.

B. Allegation That Respondent's Registration Is Inconsistent With the Public Interest

Factor Five—Respondent's Past Experience in the Manufacture of Controlled Substances

As found above, Respondent repeatedly failed to request procurement quota prior to purchasing hydrocodone and oxycodone to engage in manufacturing activities. 21 CFR 1303.12(b); *Gonzales* v. *Raich,* 545 U.S. at 27; RD, at 22–29. The Agency agrees with the Chief ALJ and finds substantial record evidence that the CSA and its implementing regulations required Respondent to request and obtain procurement quota from DEA prior to purchasing hydrocodone and oxycodone to engage in manufacturing activities. RD, at 22–29; 21 CFR 1303.12(b); *Gonzales* v. *Raich,* 545 U.S. at 27. The Agency finds substantial record evidence that Applicant violated 21 CFR 1303.12(b), and therefore finds that Factor Five weighs in favor of revoking Respondent's registration.

In sum, the Agency finds substantial record evidence that the Government established a *prima facie* case that Respondent's continued registration is inconsistent with the public interest, that Respondent did not successfully rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Respondent's registration. 21 U.S.C. 824(a)(4).

IV. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that Respondent's continued registration should be revoked due to its blatant violations of the CSA, the burden shifts to Respondent to show why it can be entrusted with a registration. *Morall,* 412 F.3d. at 174; *Jones Total Health Care Pharmacy,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882 (2018); *supra* sections II and III.

The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833. A registrant's acceptance of responsibility must be unequivocal. *Id.* at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, DEA Administrators have found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 and n.4. DEA Administrators have also considered the need to deter similar acts by the respondent and by the community of registrants. *Jeffrey Stein,* 84 FR at 46972–73.

A. Acceptance of Responsibility

Here, the Chief ALJ found, and the Agency agrees, that there is substantial record evidence that Respondent failed to unequivocally accept responsibility for its repeated violations of federal law. RD, at 31–33. When given several opportunities to accept responsibility at the hearing, Mr. Hartig refused to concede that Respondent had done anything wrong. Tr. 442, 445. He maintained that it was ''a gray area,'' and that it is ''up for grabs'' whether he had violated the law. Tr. 442, 445; RD, at 17, 34. Respondent's position and Mr. Hartig's testimony are particularly problematic given the clarity of the laws and regulations and DEA's repeated communications regarding quotas. 21 U.S.C. 802(15); 21 CFR 1303.12(b), 1300.01.

Witnesses at the hearing—including Mr. Hartig—described a decade of communications between Respondent and numerous DEA employees regarding Respondent's refusal to obtain procurement quota. For example, Mr. Hartig testified that in 2013, a DEA General Supervisor (GS) notified him of the quota requirement and emailed him materials about quotas. Tr. 380–83; RD, at 13–14. The next year, after an inspection in 2014, DEA sent a Letter of Admonition (LOA) to Respondent explaining that Respondent was in violation of DEA's regulations due to its failure to obtain procurement quota for the controlled substances that it had purchased. Tr. 420, 431; RD, at 12, 14. Over the following years, DEA repeatedly told Mr. Hartig verbally and in writing that Respondent was required to request quota. *See, e.g.,* Tr. 166–67; 394–96; GX 19; RX 4; RX 9 (February 8, 2017 email), 10 (March 10, 2017 email), 17 (August 24, 2020 email). For example, GS sent Mr. Hartig an email on February 14, 2017 (three years after the formal LOA and four years after GS's initial email) with citations and attachments to the relevant statutes and regulations and a summary of Respondent's failure since 2010 to request quota. Despite DEA's repeated and explicit warnings, Respondent continued to assert that he did not believe that Respondent's activities constituted manufacturing—a position that was directly contradicted by the relevant statutes and regulations. *See e.g.,* RX 9, 10, 17.

At the hearing, Mr. Hartig expressed his frustration that the law is ''confusing,'' and ''doesn't seem to apply to what [he does].''[15] Tr. 403. He

[14] Respondent introduced evidence that it has employed software and packaging that results in significant potential public benefit to those who choose to utilize its services. Tr. 354, 360–79; RX 27; RD, at 30. The Chief ALJ found that ''[t]his evidence reflects favorably on Public Interest Factor Three (promotion of technical advances in the art of manufacturing) in the Respondent's favor.'' RD, at 30 (citing 21 U.S.C. 823(a)(3)). However, the Chief ALJ also found that ''juxtaposed against this favorable evidence is the balance of the sustained allegations, which militate strongly and decisively in favor of the sanction sought by Government under Public Interest Factor Five (the Respondent's past experience in the manufacture (packaging/repackaging-labeling/relabeling) of controlled substances).'' RD, at 30. The Agency agrees with the Chief ALJ that any evidence of innovation is outweighed by the substantial evidence that Respondent disregarded federal laws relating to the manufacture of controlled substances.

[15] As the Chief ALJ observed, it became clear during Mr. Hartig's testimony that his refusal to comply with quota regulations was a business decision, rather than a sincere belief that procurement quota was not required for Respondent's business activities. RD, at 16–17. Mr. Hartig believed that compliance with quota regulations might limit the potential growth of his company, because ''if you restrict how much product [he] can buy from a supplier, that restricts how much [he] can sell.'' Tr. 404, 446; RD, at 16. The Chief ALJ reminded Mr. Hartig that registrants may submit a request to DEA to increase their quota,[15] to which Mr. Hartig replied: ''I happened to talk to other repackagers, and one, in particular, said that they've applied for increases three years in a row and have been denied every time.'' Tr. 405; RD, at 16. In other words, Mr. Hartig's reticence to

Continued

criticized DEA for not releasing compliance guides for industry participants, like other agencies do, and testified that ''DEA has not put out a single compliance guide that [he's] aware of with respect to this policy.'' *Id.* at 403. Contrary to Respondent's testimony, DEA's 2017 *Quotas User Manual,* which is available online [16] and is cited in Respondent's Prehearing Statement, *see* ALJX 17, at 5 ¶ 11, reiterates what the regulations make clear: That ''[t]he procurement quota form DEA 250 is required for . . . labelers/relabelers, and packager/re-packagers.'' *DEA Quotas User Man.* at 2 sec. 1.1; RD, at 16. Further, in its published final orders, the Agency has repeatedly and explicitly stated that: (1) manufacturing includes relabeling/repackaging activities; and (2) repackagers/relabelers of controlled substances and List I chemicals must apply for (and receive) a procurement quota before they conduct regulated activities under the CSA.[17]

Respondent also attempted to pass blame to DEA failing to officially reprimand Respondent sooner, stating through counsel, ''you see the Government repeatedly coming to him, hearing his explanation and shrugging its shoulders and saying maybe we'll get back to you and dropping the issue for many, many years.'' Tr. 495; *see also id.* at 494. Respondent's attempts to shift blame for Respondent's violations to DEA—especially where DEA has issued guidance regarding manufacturers' obligations and expended significant resources to bring Respondent into compliance—further detract from Respondent's acceptance of responsibility. *See, e.g., Ester Mark, M.D.,* 86 FR 16760, 16762 (2021) (finding that the respondent did not accept responsibility because she ''passe[d] blame on DEA for not telling her how to comply with recordkeeping requirements'').

Regarding these matters, there is no record evidence that Respondent takes responsibility, let alone unequivocal responsibility, for the founded violations. Instead, Respondent incredibly denies that it is engaged in manufacturing activities, denies that it is required to obtain quotas, and suggests that DEA's failure to issue an OSC sooner is evidence supporting his claims. It is simply not reasonable to believe that Respondent's future controlled substance-related actions will comply with legal requirements. Accordingly, Respondent did not convince the Agency that he can be entrusted with a registration.

B. Deterrence and Egregiousness

In addition to unequivocally accepting responsibility, the Agency considers both specific and general deterrence when determining an appropriate sanction. *Daniel A. Glick,* 80 FR at 74810. In this case, the Agency agrees with the Chief ALJ and finds substantial evidence that ''the interests of specific deterrence weigh powerfully in favor of the revocation sanction sought by the Government.'' RD, at 35. Respondent has repeatedly signaled to DEA for more than a decade that he has no intention of complying with federal law, and he has maintained this position throughout DEA's enforcement proceeding. RD, at 34–35. Based on Mr. Hartig's continued assertions that the law is ambiguous, and that DEA has not provided him with sufficient clarity, it is clear that DEA cannot trust Respondent to follow DEA's quota regulations, or any other federal laws that Mr. Hartig deems confusing or inconvenient.

The Agency further agrees with the Chief ALJ that the interests of general deterrence compel a similar result. RD, at 35. As the Chief ALJ states, ''[w]here the record demonstrates that the Respondent lacked motivation to invest even moderate efforts to file the modest paperwork required to seek quota authorization for dangerous controlled substances, and was unwilling, even after specific warnings on the subject, to come into compliance, the unmistakable message to the regulated community would be that such conduct can be tried once (or more than once) with little or no consequence.'' *Id.* (citing *Kaniz F. Khan-Jaffery, M.D.,* 85 FR 45667, 45690 (''The interests of general deterrence in discouraging practitioners from ignoring their legal obligations and not genuinely complying with important recordkeeping provisions . . . weigh in favor of a sanction of revocation.'')). If the Agency permitted Respondent to retain its registration, it would signal that registrants may selectively choose which rules apply to them, even when those rules are crucial to preventing the abuse and diversion of dangerous controlled substances.

The Agency further agrees with the Chief ALJ that Respondent's actions were egregious. RD, at 36. The Agency has held that ''unlawful manufacturing is an egregious violation and warrants the revocation of registration.'' *Pronto Pharmacy, LLC,* 86 FR 64714, 64744 (2021) (noting the registration renewal interval is only one year long for manufactures as compared to the three-year interval for practitioners); RD, at 36. As the Chief ALJ observed, ''the Respondent's president understood the rules and consciously, and over a lengthy period of time, elected to disregard them intentionally.'' *Id.*

The Agency has held manufacturer registrants ''to higher standards than practitioners with respect to recordkeeping, reporting, security, and frequency of renewing registration'' [18] because Congress has found that ''[t]he illegal importation, *manufacture,* distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.'' 21 U.S.C. 801 (emphasis added); *Gonzales* v. *Raich,* 545 U.S. at 12 n.20 (2005) (citing 21 U.S.C. 801); RD, at 27–28. Respondent's actions fell far below the Agency's standards for all DEA registrants, and even further below the Agency's heightened standards for manufacturers.

abide by federal law was based on his concern that DEA might not grant an increase in quota and would thereby hinder his prospects at growing his business. RD, at 16, 30. Respondent also wrote in an email to DEA on February 8, 2017, that it would be ''incredibly anti-competitive'' for DEA to ''further restrict how much product can be distributed by any one registrant,'' suggesting that it would not make sense that ''[a] small business can only grow by a preset quota.'' RX 9, at 1.

[16] *https://www.deadiversion.usdoj.gov/quotas/quotas_userguide.pdf.*

[17] *See Technical Amendments and Corrections to DEA Regulations,* 77 FR 4228, 4233 (2012) (''Manufacture means the producing. . . or the packaging or repackaging of such substance, or the *labeling or relabeling of the commercial container of such substance*''); *Registration Requirements for Importers and Manufacturers of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine,* 75 FR 4973, 4974 (2010) (''[U]nder the CSA, 'manufacture' is defined to include all of the following . . .: The packaging or repackaging of the processed substances or chemicals or labeling or relabeling of containers holding the chemicals.''); *Import and Production Quotas for Certain List I Chemicals,* 73 FR 73549, 73551 (2008) (''[B]ecause repackagers and relabelers handle products that are covered by other procurement or import quotas, DEA may need more details on customers from those seeking procurement quotas to ensure that it is not double counting quantities. This issue may arise particularly in reference to OTC products, where a manufacturer may produce dosage units that are repackaged or relabeled to be sold under multiple store brand labels.''); *Schedules of Controlled Substances: Rescheduling of Hydrocodone Combination Products From Schedule III to Schedule II,* 79 FR 49661, 49671 (2014) (''Procurement quotas are typically issued to dosage form manufacturers and repackagers or relabelers for manufacturing activities. As related to [Hydrocodone Containing Products], a procurement quota is required . . . for a company to receive bulk finished dosage units for relabeling or repackaging.''); RD, at 26.

[18] *See also Wedgewood Vill. Pharmacy,* 71 FR 16593, 16594 (2006); (''The requirements for registration of manufacturers and distributors of controlled substances are more stringent than for those registered as practitioners to dispense controlled substances. . . . Recordkeeping, reporting and security requirements are also more rigorous for those who manufacture and distribute controlled substances.''); RD, at 27.

Despite DEA's entreaties over more than a decade that Respondent follow the straightforward, inexpensive, and statutorily required process of requesting quota, Respondent refused to do so and instead violated the law year-after-year.[19] Mr. Hartig's decision to repeatedly assert frivolous and incorrect arguments reflects a lack of respect for Respondent's obligations as a manufacturer and a lack of appreciation for DEA's important mission to protect the public from dangerous controlled substances.

In sum, Respondent has not offered any credible evidence on the record that despite its violations it can be entrusted with the responsibility of registration. Accordingly, the Agency will order that Respondent's registration be revoked.[20]

V. Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. RP0177798 issued to Prescript Pharmaceuticals. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(a), (e), I hereby deny any pending applications of Prescript Pharmaceuticals to renew or modify this registration, as well as any other pending application of Prescript Pharmaceuticals for additional registration in California. This Order is effective May 2, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on March 25, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–05591 Filed 4–1–25; 8:45 am]

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[19] Respondent applied for and obtained procurement quota in 2017. *See* RX 13–15.

[20] Respondent's DEA registration expired on March 31, 2024, during prehearing proceedings. ALJX 1, at 2, 14, at 2, 17, at 3, 19 at n.2; GX 1; RD, at 2. As of the date of the RD, Respondent had not submitted a renewal application. RD, at 2. Accordingly, the Chief ALJ ''recommended that either the Agency render the case MOOT by virtue of the fact that the Respondent's [registration] has expired without a renewal application, or alternatively, that the Government's application to revoke the Respondent's [registration] be GRANTED.'' *Id.* at 37.

The Agency has determined that its jurisdiction to adjudicate a matter to finality is not dependent on whether the respondent has an active DEA registration. *Jeffrey D. Olsen,* 84 FR 68474, 68475–80 (2019). Instead, the Agency's jurisdiction in an administrative action is over the *registrant,* not the *registration. See Abdul Naushad, M.D.,* 89 FR 54059, 54060 (2024) (''[O]ne way that the Administrator carries out the CSA is by investigating and administratively adjudicating *a registrant's* CSA-relevant actions and inactions. When the registrant's actions or inactions call for it, the sanction may be suspension or revocation of the registrant's registration. 21 U.S.C. 824(a). While the sanction involves the registration, the sanction is levied on the *registrant* and remains in the record throughout the rest of the registrant-Agency relationship, regardless of whether that relationship is either continuous or intermittent'') (emphasis added). When it serves the Agency's and the registrant's interests to litigate an expired registration to finality—for example, when a respondent intends to engage in regulated activity in the future, and memorializing a registrant's compliance (or non-compliance) with the CSA will aid the Agency's future relationship with the registrant—the Agency has determined that issuing a final order may be done in a manner that is with the Constitution, the CSA, applicable legal authority, and sound law enforcement principles. *Jeffrey D. Olsen,* 84 FR at 68475–80.

In the instant case, Respondent's prehearing filings reflect an intent to continue to engage in regulated activity, ALJX 17, at 2 n.1; RD, at 4, and he requested a sanction of ''time served'' so that he could resume manufacturing, Tr. 468–69, which suggests that Respondent will likely reapply for a DEA registration in the future. *See also* Tr. 456–61 (Respondent's counsel offering to apply for renewal if necessary to cure the Chief ALJ's mootness concerns). Additionally, Respondent represented that controlled substances were seized by DEA when the OSC/ISO was served, ALJX 17, at 10–11; RD, at 4, and the disposition of these substances remains outstanding. 21 U.S.C. 824(f); *Brewster Drug, Inc.,* 85 FR 19020, 19021 (2020) (issuing a final order revoking an expired registration, pursuant to 21 U.S.C. 824(f), because the ''[d]isposition of Registrant's seized controlled substances inventory remains outstanding even though Registrant discontinued business, and, therefore, its registration is terminated.''). Thus, issuing a final order in this matter will clarify the disposition of those assets, memorialize the allegations and evidence in this matter, and communicate the Agency's expectations to other current and prospective registrants engaged in similar activities. *See Jeffrey D. Olsen,* 84 FR at 68479. The facts in this case, such as the status of Respondent's registration and Respondent's intent to continue with regulated activity, are consistent with the Agency's analyses in *Jeffrey D. Olsen. Id.* at 68475–79.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Jennifer Marie Lager-Fermon, D.O.; Decision and Order

On April 30, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Jennifer Marie Lager-Fermon, D.O., of Mason, Ohio. Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BL7988960, alleging that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [she is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of her right to file a written request for hearing, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 1.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the [registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67.'' *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default, pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, effective January 16, 2024, the State Medical Board of Ohio indefinitely suspended Registrant's Ohio medical license. RFAAX 1, at 2.

According to Ohio online records, of which the Agency takes official notice, Registrant's Ohio medical license remains suspended.[2] eLicense Ohio

[1] Based on the Government's submissions in its RFAA dated September 19, 2024, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included declaration from a DEA Diversion Investigator indicates that on May 21, 2024, Registrant was personally served with a copy of the OSC. RFAAX 3, at 1–2; *see also* RFAAX 4.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material

Continued

Professional Licensure License Lookup, *https://elicense.ohio.gov/oh_verifylicense* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Ohio, the state in which she is registered with DEA.

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[3]

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code Ann. § 2925.11(A), (B)(1)(d) (West 2024). Further, a '' '[l]icensed health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* § 4729.01(I). The Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* § 4729.01(I)(4). Additionally, Ohio law permits ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant lacks a license to practice medicine in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant lacks a license to practice medicine in Ohio and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BL7988960 issued to Jennifer Marie Lager-Fermon, D.O. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Jennifer Marie Lager-Fermon, D.O., to renew or modify this registration, as well as any other pending application of Jennifer Marie Lager-Fermon, D.O., for additional registration in Ohio. This Order is effective May 2, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on March 13, 2025, by Acting Administrator Derek Maltz. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–05664 Filed 4–1–25; 8:45 am]

BILLING CODE 4410–09–P

fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to Office of the Administrator, Drug Enforcement Administration at *dea.addo.attorneys@dea.gov.*

[3] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeats, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Opt-In State Balance Bill Process

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before May 2, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The No Surprises Act was enacted as part of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260). The final rules allow plans to voluntarily opt in to state law that provides for a method for determining the cost-sharing amount or total amount payable under such a plan, where a state has chosen to expand access to such plans, to satisfy their obligations under section 9816(a) through (d) of the Code, section 716(a) through (d) of ERISA, and section 2799A–1(a) through (d) of the PHS Act. A plan that has chosen to opt into a state law must prominently display in its plan materials describing the coverage of outof-network services a statement that the plan has opted into a specified state law, identify the state (or states), and include a general description of the items and services provided by nonparticipating facilities and providers that are covered by the specified state aw. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 9, 2024 (89 FR 56416).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Opt-in State Balance Bill Process.

OMB Control Number: 1210–0168.

Affected Public: Private sector, Businesses or other for-profits, Not-for-profit institutions.

Total Estimated Number of Respondents: 350.

Total Estimated Number of Responses: 700.

Total Estimated Annual Time Burden: 525 hours.

Total Estimated Annual Other Costs Burden: $875.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–05582 Filed 4–1–25; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0018]

Proposed Extension of Information Collection; Employers' Claim for Reimbursement Assisted Reemployment (AR) Program

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the OWCP is soliciting comments on the information collection for the Claim for Reimbursement—Assisted Reemployment, CA–2231.

DATES: All comments must be received on or before June 2, 2025.

ADDRESSES: You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

Electronic Submissions: Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for WCPO–2025–0005. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.
- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

Written/Paper Submissions: Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL–OWCP, Division of Federal Employees' Compensation, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210.
- OWCP will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs, Office of Workers' Compensation Programs, at *suggs.anjanette@dol.gov@dol.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) under 5 U.S.C. 8101 *et seq.* This act provides vocational rehabilitation services to eligible workers with disabilities. Section 8104(a) of the FECA provides vocational rehabilitation to eligible injured workers to facilitate their return to work. The costs of providing these vocational rehabilitation services are paid from the Employees' Compensation Fund. Annual appropriations language under the Consolidated Appropriations Act of 2022 (currently in Pub. L. 117–103), provides OWCP with legal authority to use amounts from the Fund to reimburse private sector employers for a portion of the salary of reemployed FECA claimants hired through OWCP's

assisted reemployment program. Additionally, 5 U.S.C. 8111 provides that an individual undergoing vocational rehabilitation under section 8104 may be paid additional compensation necessary for his maintenance, which is initiated by an employer for a claimant using form CA–2231, Employers' Claim for Reimbursement Assisted Reemployment (AR) Program.

See: Bulletins, Circulars, and Transmittals (BCT) FY12 | U.S. Department of Labor.

II. Desired Focus of Comments

OWCP is soliciting comments concerning the proposed information collection related to the Request for Employment Information. OWCP is particularly interested in comments that:

Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;

Evaluate the accuracy of OWCP/DFEC's estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;

Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Documents related to this information collection request are available at *https://regulations.gov* and at DOL–OWCP located at 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns the Employers' Claim for Reimbursement Assisted Reemployment (AR) Program, CA–2231. OWCP has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

Type of Review: Extension, without change, of a currently approved collection].

Agency: Office of Workers' Compensation Programs.

OMB Number: 1240–0018.

Affected Public: Private Sector—Business or other For-profits.

Number of Respondents: 14.

Number of Responses: 56.

Annual Burden Hours: 28 hours.

Annual Respondent or Recordkeeper Cost: $736.12.

OWCP Forms: DFEC Form Employers' Claim for Reimbursement Assisted Reemployment (AR).

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at *https://www.reginfo.gov.*

Anjanette Suggs,

Certifying Officer.

[FR Doc. 2025–05583 Filed 4–1–25; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 25–009]

International Space Station Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a meeting of the International Space Station Advisory Committee. The purpose of the meeting is to review aspects related to the safety and operational readiness of the International Space Station.

DATES: Thursday, April 24, 2025, 10 a.m.–10:30 a.m., eastern time.

ADDRESSES: Public attendance will be virtual only. See dial-in and Webinar information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Dennis McSweeney, Designated Federal Officer, ISS Advisory Committee, NASA Headquarters, Washington, DC 20546, via email at *dennis.mcsweeney@nasa.gov* or by telephone at (202) 358–2012.

SUPPLEMENTARY INFORMATION: As noted above, this meeting is virtual and will be open to the public via Webinar and telephonically. Webinar connectivity information is provided below. For audio, when you join the Webinar event, you may use your computer to join or call the U.S. toll conference number listed.

April 24, 2025, link: *https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTFiNTFiNjUtYzY3Mi00OWIzLTgyY2QtYWYyMmZiZTNhMDI2%40thread.v2/0?context=%7b%22Tid%22%3a%227005d458-45be-48ae-8140-d43da96dd17b%22%2c%22Oid%22%3a%22453f1a86-a177-4251-b896-a3c23cc1a9a1%22%7d.* Meeting ID: 267 117 623 734, Passcode: w7PN6fJ3, Call in number (audio only): 256–715–9946, Phone conference ID: 969086947 and then the # sign.

Any member of the public is permitted to file a written statement with the Panel via electronic submission to Mr. McSweeney at the email address previously noted with the subject line 'Comments for 04/24/25 ISSAC open meeting.' Written statements should be limited to the subject of safety and operational readiness of the International Space Station.

It is imperative that the meeting be held on this day to accommodate the scheduling priorities of the key participants.

Jamie M. Krauk,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2025–05655 Filed 4–1–25; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: The meeting was noticed on March 31, 2025, at 90 FR 14276.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Monday, March 31, 2025, from 12:30–1:30 p.m. EDT.

CHANGES IN THE MEETING: Change meeting description from Committee on Strategy to Committee on Oversight.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Christopher Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2025–05715 Filed 3–31–25; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: The meeting was

noticed on March 26, 2025, at 90 FR 13787.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, April 1, 2025, from 4:00–5:00 p.m. EDT.

CHANGES IN THE MEETING: The date and time of the meeting has changed to Wednesday, April 9, 2025, from 9:00–10:00 p.m. EDT.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Christopher Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2025–05737 Filed 3–31–25; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0010]

State of Connecticut: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of Connecticut

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed state agreement; request for comment.

SUMMARY: As required by section 274e. of the Atomic Energy Act of 1954, as amended (AEA), the U.S. Nuclear Regulatory Commission (NRC or Commission) is publishing the proposed Agreement for public comment (Appendix A). The NRC is also publishing the summary of a draft assessment by the NRC staff of the State of Connecticut's regulatory program. Comments are requested on the proposed Agreement and its effect on public health and safety. Comments are also requested on the draft staff assessment, the adequacy of the State of Connecticut's program, and the adequacy of the staffing of the State's program, as discussed in this document.

DATES: Submit comments by April 18, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0010. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Duncan White, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–2598; email: *Duncan.White@nrc.gov* or Huda Akhavannik, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–5253; email: *Huda.Akhavannik@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0010 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0010.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0010 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

SUPPLEMENTARY INFORMATION: By letter dated October 31, 2024, Governor Ned Lamont of the State of Connecticut requested that the U.S. Nuclear Regulatory Commission (NRC or Commission) enter into an Agreement with the State of Connecticut as authorized by Section 274b. of the Atomic Energy Act of 1954, as amended (AEA). Under the proposed Agreement, the Commission would discontinue, and the State of Connecticut would assume, regulatory authority over certain types of byproduct materials as defined in the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass.

II. Additional Information on Agreements Entered Under Section 274 of the AEA

Under the proposed Agreement, the NRC would discontinue its authority over 104 licenses and would transfer its regulatory authority over those licenses to the State of Connecticut. The NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274.

Section 274e. of the AEA requires that the terms of the proposed Agreement be published in the **Federal Register** for public comment once each week for

four consecutive weeks. This is the third document published in fulfillment of that requirement.

III. Proposed Agreement With the State of Connecticut

Background

(a) Section 274b. of the AEA provides the mechanism for a State to assume regulatory authority from the NRC over certain radioactive materials and activities that involve use of these materials. The radioactive materials, sometimes referred to as ''Agreement materials,'' are byproduct materials as defined in Sections 11e.(1), 11e.(2), 11e.(3), and 11e.(4) of the AEA; source material as defined in Section 11z. of the AEA; and special nuclear material as defined in Section 11aa. of the AEA, restricted to quantities not sufficient to form a critical mass.

The radioactive materials and activities (which together are usually referred to as the ''categories of materials'') that the State of Connecticut requests authority over are:

1. The possession and use of byproduct material as defined in Section 11e.(1) of the Act;
2. The possession and use of byproduct material as defined in Section 11e.(3) of the Act;
3. The possession and use of byproduct material as defined in Section 11e.(4) of the Act;
4. The possession and use of source material; and
5. The possession and use of special nuclear material, in quantities not sufficient to form a critical mass.

(b) The proposed Agreement contains articles that:

(i) Specify the materials and activities over which authority is transferred;

(ii) Specify the materials and activities over which the Commission will retain regulatory authority;

(iii) Continue the authority of the Commission to safeguard special nuclear material, protect restricted data, and protect common defense and security;

(iv) Commit the State of Connecticut and the NRC to exchange information as necessary to maintain coordinated and compatible programs;

(v) Provide for the reciprocal recognition of licenses;

(vi) Provide for the suspension or termination of the Agreement; and

(vii) Specify the effective date of the proposed Agreement.

The Commission reserves the option to modify the terms of the proposed Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the proposed Agreement, with the effective date, will be published after the Agreement is approved by the Commission and signed by the NRC Chairman and the Governor of Connecticut.

(c) The regulatory program is authorized by law under the Connecticut General Statutes (Conn. Gen. Stat.) Title 22a, Chapter 446a, Section 22a–152 (§ 22a–152), which provides the Governor with the authority to enter into an Agreement with the Commission. The State of Connecticut law contains provisions for the orderly transfer of regulatory authority over affected licenses from the NRC to the State. In a letter dated October 31, 2024, Governor Lamont certified that the State of Connecticut has a program for the control of radiation hazards that is adequate to protect public health and safety within the State of Connecticut for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. After the effective date of the Agreement, licenses issued by the NRC would continue in effect as State of Connecticut licenses until the licenses expire or are replaced by State-issued licenses.

(d) The draft staff assessment finds that the Connecticut Department of Energy and Environmental Protection's Radioactive Materials Program is adequate to protect public health and safety and is compatible with the NRC's regulatory program for the regulation of Agreement materials.

Summary of the Draft NRC Staff Assessment of the State of Connecticut's Program for the Regulation of Agreement Materials

The NRC staff has examined the State of Connecticut's request for an Agreement with respect to the ability of the State's radiation control program to regulate Agreement materials. The examination was based on the Commission's Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,'' (46 FR 7540, January 23, 1981, as amended by Policy Statements published at 46 FR 36969, July 16, 1981, and at 48 FR 33376, July 21, 1983) (Policy Statement), and the Office of Nuclear Material Safety and Safeguards Procedure SA–700, ''Processing an Agreement.'' The Policy Statement has 28 criteria that serve as the basis for the NRC staff's assessment of the State of Connecticut's request for an Agreement. The following section will reference the appropriate criteria numbers from the Policy Statement that apply to each section.

(a) *Organization and Personnel.* The NRC staff reviewed these areas under Criteria 1, 2, 20, and 24 in the draft staff assessment. The State of Connecticut's proposed Agreement materials program for the regulation of radioactive materials is called the ''Radioactive Materials Program,'' and will be located within the Radiation Division in the Bureau of Air Management of the Connecticut Department of Energy and Environmental Protection.

The educational requirements for the Radioactive Materials Program staff are specified in the State of Connecticut's personnel position descriptions and meet the NRC criteria with respect to formal education or combined education and experience requirements. All current staff members meet the requirements of a bachelor's degree in the physical, life science or engineering; or an equivalent combination of education and experience has been substituted for the degree. All have training and work experience in radiation protection. Supervisory level staff each have at least 30 years of working experience in radiation protection.

The State of Connecticut performed an analysis of the expected workload under the proposed Agreement. Based on the NRC staff review of the State of Connecticut's analysis, the State has an adequate number of staff to regulate radioactive materials under the terms of the proposed Agreement. The State of Connecticut will employ the equivalent of four full-time equivalent professional and technical staff to support the Radioactive Materials Program.

The State of Connecticut has indicated that the Radioactive Materials Program has an adequate number of trained and qualified staff in place. The State of Connecticut has developed qualification procedures for license reviewers and inspectors that are similar to the NRC's procedures. The Radioactive Materials Program staff has accompanied the NRC staff on inspections of NRC licensees in Connecticut and participated in licensing training at NRC's Region I with Division of Radiological Safety and Security staff. The Radioactive Materials Program staff is also actively supplementing its experience through meetings, discussions, and facility visits with the NRC licensees in the State of Connecticut and through self-study, in-house training, and formal training.

Overall, the NRC staff concluded that the Radioactive Materials Program staff identified by the State of Connecticut to

participate in the Agreement materials program has sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and the techniques of inspecting licensed users of Agreement materials.

(b) *Legislation and Regulations.* The NRC staff reviewed these areas under Criteria 1–15, 17, 19, and 21–28 in the draft staff assessment. Conn. Gen. Stat. §§ 22a–152 and 22a–153(a) provide the authority to enter into the Agreement and establish the Connecticut Department of Energy and Environmental Protection as the lead agency for the State's Radioactive Materials Program. The Department has the requisite authority to promulgate regulations under the Conn. Gen. Stat. § 22a–153(c) for protection against radiation Conn. Gen. Stat. §§ 22a–154, 22a–155, 22a–6(a)(3), and 22a–6(a)(5) provide the Radioactive Materials Program the authority to issue licenses and orders; conduct inspections; and enforce compliance with regulations, license conditions, and orders. Conn. Gen. Stat. § 22a–6(a)(5) requires licensees to provide access to inspectors.

The NRC staff verified that the State of Connecticut adopted by reference the relevant NRC regulations in parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, and 150 of title 10 of the *Code of Federal Regulations* (10 CFR) into the Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a–153–1 to 22a–153–150. Therefore, the State of Connecticut adopted an adequate and compatible set of radiation protection regulations that apply to byproduct materials, source material, and special nuclear material in quantities not sufficient to form a critical mass. The NRC staff also verified that the State of Connecticut will not attempt to enforce regulatory matters reserved to the Commission.

(c) *Storage and Disposal.* The NRC staff reviewed these areas under Criteria 8, 9a, and 11 in the draft staff assessment. The State of Connecticut has adopted NRC compatible requirements for the handling and storage of radioactive material, including regulations equivalent to the applicable standards contained in 10 CFR part 20, which address the general requirements for waste disposal, and 10 CFR part 61, which addresses waste classification and form. These regulations are applicable to all licensees covered under this proposed Agreement.

(d) *Transportation of Radioactive Material.* The NRC staff reviewed this area under Criteria 10 in the draft staff assessment. The State of Connecticut has adopted compatible regulations to the NRC regulations in 10 CFR part 71. Part 71 contains the requirements licensees must follow when preparing packages containing radioactive material for transport. Part 71 also contains requirements related to the licensing of packaging for use in transporting radioactive materials.

(e) *Recordkeeping and Incident Reporting.* The NRC staff reviewed this area under Criteria 1 and 11 in the draft staff assessment. The State of Connecticut has adopted compatible regulations to the sections of the NRC regulations that specify requirements for licensees to keep records and to report incidents or accidents involving the State's regulated Agreement materials specified in the proposed Agreement.

(f) *Evaluation of License Applications.* The NRC staff reviewed this area under Criteria 1, 7, 8, 9a, 13, 14, 15, 20, 23, and 25 in the draft staff assessment. The State of Connecticut has adopted compatible regulations to the NRC regulations that specify the requirements to obtain a license to possess or use radioactive materials. The State of Connecticut has also developed licensing procedures and adopted NRC licensing guides for specific uses of radioactive material for use by the program staff when evaluating license applications.

(g) *Inspections and Enforcement.* The NRC staff reviewed these areas under Criteria 1, 16, 18, 19, and 23 in the draft staff assessment. The State of Connecticut has adopted a schedule providing for the inspection of licensees as frequently as, or more frequently than, the inspection schedule used by the NRC. The State of Connecticut's Radioactive Materials Program has adopted procedures for the conduct of inspections, reporting of inspection findings, and reporting inspection results to the licensees. Additionally, the State of Connecticut has also adopted procedures for the enforcement of regulatory requirements.

(h) *Regulatory Administration.* The NRC staff reviewed this area under Criterion 23 in the draft staff assessment. The State of Connecticut is bound by requirements specified in its state law for rulemaking, issuing licenses, and taking enforcement actions. The State of Connecticut has also adopted administrative procedures to assure fair and impartial treatment of license applicants. The State of Connecticut law prescribes standards of ethical conduct for State employees.

(i) *Cooperation with Other Agencies.* The NRC staff reviewed this area under Criteria 25, 26, and 27 in the draft staff assessment. The State of Connecticut law provides for the recognition of existing NRC and Agreement State licenses and the State has a process in place for the transition of active NRC licenses. Upon the effective date of the Agreement, all active NRC radioactive materials licenses that are for materials covered by the proposed Agreement and were issued to facilities in the State of Connecticut will be recognized as Connecticut Department of Energy and Environmental Protection licenses.

The State of Connecticut also provides for ''timely renewal.'' This provision affords the continuance of licenses for which an application for renewal has been filed more than 30 days prior to the date of expiration of the license. NRC licenses transferred while in timely renewal are done in a manner to minimize the effects of the transition on the licensee. The NRC and the State of Connecticut will collaborate to ensure a seamless and successful transition of NRC licenses under timely renewal.

The State of Connecticut regulations, in the Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a–153–1 to 22a–153–150, provide exemptions from the State's requirements for the NRC and the U.S. Department of Energy (DOE) contractors or subcontractors. The proposed Agreement commits the State of Connecticut to use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation, and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of Agreement materials. The proposed Agreement specifies the desirability of reciprocal recognition of licenses and commits the Commission and the State of Connecticut to use their best efforts to accord such reciprocity. Consistent with NRC requirements, the State of Connecticut would be able to recognize the licenses of other jurisdictions by general license, as appropriate.

Staff Conclusion

Section 274d. of the AEA provides that the Commission shall enter into an Agreement under Section 274b. with any State if:

(a) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with

respect to the Agreement materials within the State, and that the State desires to assume regulatory responsibility for the Agreement materials; and

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o, and in all other respects compatible with the Commission's program for regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement.

The NRC staff has reviewed the proposed Agreement, the certification of Connecticut Governor Lamont, and the supporting information provided by the Radioactive Materials Program of the Connecticut Department of Energy and Environmental Protection. Based upon this review, the NRC staff concludes that the State of Connecticut Radioactive Materials Program satisfies the Section 274d criteria as well as the criteria in the Commission's Policy Statement ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.'' The NRC staff also concludes that the proposed State of Connecticut program to regulate Agreement materials, as comprised of statutes, regulations, procedures, and staffing, is compatible with the Commission's program and is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement. Therefore, the proposed Agreement meets the requirements of Section 274 of the AEA.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS accession No.
Letter from Governor Ned Lamont, Connecticut, to Chair Hanson requesting agreement be established between the NRC and State of Connecticut, dated October 31, 2024.	ML24306A079.
Draft Staff Assessment of the Proposed Connecticut Program	ML25070A186.
Final Connecticut Application Section 4.1 Legal Elements	ML24311A018 (Package).
Final Connecticut Application Section 4.2 Regulatory Requirements	ML24311A026 (Package).
Final Connecticut Application Section 4.3 Licensing Program Elements	ML24311A029 (Package).
Final Connecticut Application Section 4.4 Inspection Program Elements	ML24311A030 (Package).
Final Connecticut Application Section 4.5 Enforcement Program Elements	ML24311A044 (Package).
Final Connecticut Application Section 4.6 Technical Staffing and Training Program Elements	ML24319A210 (Package).
Final Connecticut Application Section 4.7 Event and Allegation Response Program Elements	ML24319A211 (Package).
Connecticut Application Request for Additional Information	ML24347A038 (Package).
State Agreement (SA) 700 Processing an Agreement final, dated June 15, 2022	ML22138A414.
SA–700 Handbook for Processing an Agreement Procedure final, dated June 17, 2022	ML22140A396.

Dated: March 21, 2025.

For the Nuclear Regulatory Commission.

Tamara Bloomer,

Acting Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards.

Appendix A

An Agreement Between the United States Nuclear Regulatory Commission and the State of Connecticut for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as ''the Commission'') is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* (hereinafter referred to as ''the Act''), to enter into an agreement with the Governor of the State of Connecticut (hereinafter referred to as ''the State'') providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1), (3), and (4) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the State of Connecticut is authorized under Conn. Gen. Stat. § 22a–152 to enter into this Agreement with the Commission; and,

Whereas, The Governor of the State of Connecticut certified on October 31, 2024, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, The Commission found on [date] that the program of the State of Connecticut for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

Whereas, The State of Connecticut and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the State of Connecticut recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, This Agreement is entered into pursuant to the provisions of the Act;

Now, therefore, it is hereby agreed between the Commission and the Governor of Connecticut acting on behalf of the State as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct material as defined in Section 11e.(1) of the Act;

B. Byproduct material as defined in Section 11e.(3) of the Act;

C. Byproduct materials as defined in Section 11e.(4) of the Act;

D. Source materials; and

E. Special nuclear materials, in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for the discontinuance of any authority, and the Commission shall retain authority and responsibility, with respect to:

A. The regulation of the construction, operation, and decommissioning of any production or utilization facility or any uranium enrichment facility;

B. The regulation of byproduct material as defined in Section 11e.(2) of the Act;

C. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

D. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear material waste as defined in regulations or orders of the Commission;

E. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be

so disposed without a license from the Commission;

F. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear material and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

G. The regulation of activities not exempt from Commission regulation as stated in 10 CFR part 150; and

H. The regulation of the land disposal of byproduct, source, or special nuclear material received from other persons;

Article III

With the exception of those activities identified in Article II, paragraphs A., C. through E. and G., this Agreement may be amended, upon application by the State and approval by the Commission to include the additional areas specified in Article II, paragraphs B., F., and H., whereby the State may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption for licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b. or 161i. of the Act to issue rules, regulations, or orders to promote the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for (a) protection against hazards of radiation; and (b) to assure that Commission and State programs for protection against the hazards of radiation are coordinated and compatible. The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for: (a) protection against the hazards of radiation; and (b) to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State.

Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of Connecticut, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. Pursuant to Section 274j. of the Act, the Commission may, after notifying the Governor, temporarily suspend all or part of this Agreement without notice or hearing if, in the judgment of the Commission, an emergency situation exists with respect to any material covered by this Agreement creating danger which requires immediate action to protect the health or safety of persons either within or outside of the State and the State has failed to take steps necessary to contain or eliminate the cause or danger within a reasonable time after the situation arose. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act which requires a State program to be adequate to protect the public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on September 30, 2025, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Executed at Hartford, Connecticut this [date] day of [month], 2025.

For the United States Nuclear Regulatory Commission.

David A. Wright,
Chairman for the U.S. Nuclear Regulatory Commission.

For the State of Connecticut.

Edward Miner Lamont, Jr. (aka Ned Lamont),
Governor of the State of Connecticut.

[FR Doc. 2025–05139 Filed 4–1–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1266 and K2025–1265]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 4, 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

[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).

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).:* MC2025–1266 and K2025–1265; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 63 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 27, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* April 4, 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. 2025–05665 Filed 4–1–25; 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:* April 2, 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 March 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 674 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1270, K2025–1269.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05668 Filed 4–1–25; 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:* April 2, 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 March 24, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 661 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1256, K2025–1255.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05674 Filed 4–1–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—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:* April 2, 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 March 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add USPS Ground Advantage® Contract 13 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1272, K2025–1271.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05672 Filed 4–1–25; 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: April 2, 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 March 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage ® Contract 673 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1269, K2025–1268.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05682 Filed 4–1–25; 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:* April 2, 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 March 26, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 670 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1265, K2025–1264.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05670 Filed 4–1–25; 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:* April 2, 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 March 21, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage ® Contract 660 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1254, K2025–1253.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05676 Filed 4–1–25; 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:* April 2, 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 March 24, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1355 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1255, K2025–1254.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05679 Filed 4–1–25; 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:* April 2, 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 March 25, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 667 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1262, K2025–1261.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05673 Filed 4–1–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* April 2, 2025.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service ® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 27, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class*

Package International Service Contract 63 to Competitive Product List. Documents are available at *www.prc.gov,* Docket Nos. MC2025–1266 and K2025–1265.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–05684 Filed 4–1–25; 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:* April 2, 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 March 24, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 663 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1258, K2025–1257.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05667 Filed 4–1–25; 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:* April 2, 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 March 24, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 662 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1257, K2025–1256.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05681 Filed 4–1–25; 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:* April 2, 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 March 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 669 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1264, K2025–1263.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05680 Filed 4–1–25; 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:* April 2, 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 March 26, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 671 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1267, K2025–1266.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05677 Filed 4–1–25; 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:* April 2, 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 March 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1356 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1271, K2025–1270.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05669 Filed 4–1–25; 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:* April 2, 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 March 26, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 672 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1268, K2025–1267.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–05675 Filed 4–1–25; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102736; File No. SR–CboeBZX–2025–045]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Osprey Bitcoin Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

March 27, 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 March 14, 2025, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to list and trade shares of the Osprey Bitcoin Trust under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. On March 25, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change, as Modified by Amendment No. 1

Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change to list and trade shares of the Osprey Bitcoin Trust (the ''Trust''),[3] under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares.

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, as Modified by Amendment No. 1

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

This Amendment No. 1 to SR–CboeBZX–2025–045 amends and replaces in its entirety the proposal as originally submitted on March 17, 2025. The Exchange submits this Amendment No. 1 in order to clarify certain points and add additional details to the proposal.

The Exchange proposes to list and trade the Shares under BZX Rule 14.11(e)(4),[4] which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.[5] Osprey Funds LLC is the Sponsor (''Sponsor''). The Shares will be registered with the Commission by means of the Trust's registration statement on Form S–1 (the ''Registration Statement'').[6] Coinbase Custody Trust Company, LLC (the ''Bitcoin Custodian''), which is a third-party U.S.-based trust company and qualified custodian, will be responsible for custody of the Trust's bitcoin holdings and a third-party U.S.-based custodian will be the custodian for the Trust's cash holdings, if any (the ''Cash Custodian'' and together with the Bitcoin Custodian, the ''Custodians'').

The Trust has approximately $161 million in assets under management[7] and its Shares trade millions of dollars in daily volume and are held by over 5,000 American investor accounts seeking exposure to Bitcoin without the cost and complexity of purchasing the asset directly. However, because the Trust is not currently listed as an exchange-traded product (''ETP''), the value of the Shares has not been able to closely track the value of the Trust's underlying bitcoin. The Sponsor thus believes that allowing Shares of the Trust to list and trade on the Exchange as an ETP (*i.e.,* converting the Trust to a spot bitcoin ETP) would unlock over $10,352,000 of value[8] for the Trust's shareholders and provide other investors with a safe and secure way to invest in bitcoin on a regulated national securities exchange.

Section 6(b)(5) and the Applicable Standard

The Commission has approved numerous series of Trust Issued Receipts,[9] including Commodity-Based

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Trust was formed as a Delaware statutory trust on January 3, 2019, and is operated as a grantor trust for U.S. federal tax purposes. The Trust has no fixed termination date.

[4] The Commission approved BZX Rule 14.11(e)(4) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[5] Any of the statements or representations regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values, or the applicability of Exchange listing rules specified in any filing to list a series of Other Securities (collectively, ''Continued Listing Representations'') shall constitute continued listing requirements for the securities listed on the Exchange.

[6] The Sponsor confidentially submitted a Draft Registration Statement to the SEC on Form S–1 on February 14, 2025. The Shares will not trade on the Exchange until such time that the Registration Statement is effective.

[7] As of February 27, 2025.

[8] Based on a discount of 6.43% as of February 26, 2025.

[9] *See* Exchange Rule 14.11(f).

Trust Shares,[10] to be listed on U.S. national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices; and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest.

The Commission has historically approved or disapproved exchange filings to list and trade series of Trust Issued Receipts, including spot-based Commodity-Based Trust Shares, on the basis of whether the listing exchange has in place a comprehensive surveillance sharing agreement with a regulated market of significant size related to the underlying commodity to be held.[11] The Commission has also consistently recognized, however, that this is not the exclusive means by which an ETP listing exchange can meet this statutory obligation.[12] A listing exchange could, alternatively, demonstrate that ''other means to prevent fraudulent and manipulative acts and practices will be sufficient'' to justify dispensing with a surveillance-sharing agreement with a regulated market of significant size.

Both the Exchange and Chicago Mercantile Exchange (''CME'') are members of the Intermarket Surveillance Group (''ISG'').[13] With this in mind, the CME bitcoin futures (''CME Bitcoin Futures'') market is the proper market to consider in determining whether there is a related regulated market of significant size. Recently, the Commission issued orders granting approval for proposals to list bitcoin-based (''Spot Bitcoin ETPs'') [14] commodity trust and trust issued receipts (these funds are nearly identical to the Trust). In the Spot Bitcoin ETP Approval Order, the Commission stated:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record . . . the Commission is able to conclude that fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is consistently highly correlated to spot bitcoin, albeit not of ''significant size'' related to spot bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [p]roposals.[15]

As such, the listing exchanges demonstrated ''other means to prevent fraudulent and manipulative acts and practices will be sufficient'' to justify dispensing with the ''regulated market of significant size'' test. Given this and the above, the Exchange believes the Shares satisfy the requirements of Exchange Rule BZX Rule 14.11(e)(4) and thereby qualify for listing and trading on the Exchange.

Osprey Bitcoin Trust

CSC Delaware Trust Company, a subsidiary of the Corporation Service Company, is the trustee (''Trustee''). As noted above, Coinbase Custody Trust Company, LLC, will be responsible for the safekeeping of the Trust's bitcoin, and a third-party U.S.-based custodian will be the custodian for the Trust's cash holdings. A qualified third-party and will also serve as the Trust's administrator and transfer agent (the ''Administrator'' or ''Transfer Agent'').

According to the Registration Statement, each Share will represent a fractional undivided beneficial interest in the Trust's net assets. The Trust's assets will only consist of bitcoin, cash, and cash equivalents. The ''Index'' refers to the Coin Metrics Coin Metrics' Bletchley Indexes (''CMBI'') Bitcoin Index.

According to the Registration Statement, the Trust is neither an investment company registered under the 1940 Act, as amended,[16] nor a commodity pool for purposes of the Commodity Exchange Act (''CEA''), and neither the Trust, nor the Sponsor is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares. The Trust will not acquire and will disclaim any incidental right (''IR'') or IR asset received, for example as a result of forks or airdrops, and such assets will not be taken into account for purposes of determining net asset value (''NAV'').

When the Trust sells or redeems its Shares, it will do so in cash transactions in large blocks of 50,000 Shares (a ''Creation Basket'') at the Trust's NAV. Registered broker-dealers that become authorized participants by entering into a contract with the Sponsor and the Trustee (''Authorized Participants'') will deliver, or facilitate the delivery of, cash to the Trust's account with the Cash Custodian in exchange for Shares when they purchase Shares, and the Trust, through the Cash Custodian, will deliver cash to such Authorized Participants when they redeem Shares. Authorized Participants may then offer Shares to the public at prices that depend on various factors, including the supply and demand for Shares, the value of the Trust's assets, and market conditions at the time of a transaction. Shareholders who buy or sell Shares during the day from their broker may do so at a premium or discount relative to the NAV of the Shares of the Trust.

Investment Objective

According to the Registration Statement and as further described

[10] Commodity-Based Trust Shares, as described in Exchange Rule 14.11(e)(4), are a type of Trust Issued Receipt.

[11] *See* Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 (August 1, 2018) (the ''Winklevoss Order''). Prior orders from the Commission have pointed out that in every prior approval order for Commodity-Based Trust Shares, there has been a derivatives market that represents the regulated market of significant size, generally a Commodity Futures Trading Commission (the ''CFTC'') regulated futures market. Further to this point, the Commission's prior orders have noted that the spot commodities and currency markets for which it has previously approved spot ETPs are generally unregulated and that the Commission relied on the underlying futures market as the regulated market of significant size that formed the basis for approving the series of Currency and Commodity-Based Trust Shares, including gold, silver, platinum, palladium, copper, and other commodities and currencies. The Commission specifically noted in the Winklevoss Order that the approval order issued related to the first spot gold ETP ''was based on an assumption that the currency market and the spot gold market were largely unregulated.'' See Winklevoss Order at 37592. As such, the regulated market of significant size test does not require that the spot bitcoin market be regulated in order for the Commission to approve this proposal, and precedent makes clear that an underlying market for a spot commodity or currency being a regulated market would actually be an exception to the norm. These largely unregulated currency and commodity markets do not provide the same protections as the markets that are subject to the Commission's oversight, but the Commission has consistently looked to surveillance sharing agreements with the underlying futures market in order to determine whether such products were consistent with the Act.

[12] *See* Winklevoss Order, 83 FR 37580.

[13] For a list of the current members and affiliate members of ISG, *see www.isgportal.com.*

[14] *See* Exchange Act Release Nos. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (the ''Spot Bitcoin ETP Approval Order''); 100610 (July 26, 2024) 89 FR 62821 (August 1, 2024) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Grayscale Bitcoin Mini Trust and Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Pando Asset Spot Bitcoin Trust).

[15] See the Spot Bitcoin ETP Approval Order at 3011–3012.

[16] 15 U.S.C. 80a–1.

below, the investment objective of the Trust is for the Shares to reflect the performance of bitcoin as measured by reference to the Index, before payment of the Trust's expenses and other liabilities. In seeking to achieve its investment objective, the Trust will hold only bitcoin, cash, and cash equivalents. The value of the bitcoin held by the Trust is determined based on the estimated fair market value price for bitcoin, reflecting the execution price of bitcoin on its principal market as determined by Lukka Inc., an independent third-party digital asset data company (''Lukka''). If the Sponsor determines in good faith that the principal market does not reflect an accurate bitcoin price, then the Sponsor will instruct the Administrator to employ an alternative method to determine the fair value of the Trust's assets. There are no predefined criteria to make a good faith assessment as to which of the rules the Sponsor will apply and the Sponsor may make this determination in its sole discretion.[17]

The Index

The Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin. The Index is designed to (i) mitigate the effects of fraud, manipulation and other anomalous trading activity from impacting the bitcoin reference rate, (ii) provide a real-time, volume-weighted fair value of bitcoin and (iii) appropriately handle and adjust for non-market related events.

The Index Price is determined by Coin Metrics, Inc. (the ''Index Provider''), and is calculated using transacted crypto asset prices from the Index Provider's vetted markets. The Index Price is calculated by applying weighted-median techniques to such trade data where weights are based on the trading volume on each constituent market and inverse price variance, where a constituent market with high price variance as a result of outliers or market anomalies compared to other constituent markets is assigned a smaller weight.

The method by which the Index Provider selects constituent markets for its indexes is contained in Section 3.1 Constituent Market Eligibility Criteria in the Index Provider's CMBI Single Asset Series Methodology.[18] The constituent markets for CMBI indexes are derived from the constituent markets for the Coin Metrics' Reference Rates,[19] which in turn evaluates markets traded on digital asset exchanges as potential input data sources using CMBI's market selection framework. The framework consists of a fully systematized process for evaluating markets. In this framework, a market refers to a specific traded asset pair on a specific exchange.

The market selection framework consists of 36 features which represent individual measurable properties that provide an indication of the suitability for a market to serve as an input data source, which are combined to form a market rating. For each asset, the Index Provider selects the highest quality markets using a rating algorithm and a selection algorithm.[20]

The value of the Index is calculated and disseminated on a 24-hour basis and will be available on a continuous basis at *https://indexes.coinmetrics.io/cmbibtc.*

Lukka

As described in the Registration Statement, the Trust determines the current value of bitcoin by reference to the market price of bitcoin as determined once a day in accordance with the Financial Accounting Standards Board Accounting Standards Codification Topic 820, ''Fair Value Measurements and Disclosures'' (''ASC 820'') on each day the Exchange is open for trading (the ''Bitcoin Market Price''). The Bitcoin Market Price is determined based on the estimated fair market value price for bitcoin, reflecting the execution price of bitcoin on its principal market as determined by Lukka. Lukka's pricing methodology is designed in accordance with ASC 820–10, and its proprietary software dynamically designates principal market and derives fair value prices for financial reporting using this designation.

Lukka is designed to provide an estimated fair market value for bitcoin, in a manner that aligns with U.S. GAAP and IFRS accounting guidelines regarding fair market value measurements. In this regard, Lukka seeks to identify a ''principal market'' for bitcoin, by evaluating eligible bitcoin exchanges across a variety of different criteria, including the exchanges' oversight and governance frameworks, microstructure efficiency, trading volume, data transparency and data integrity.

Net Asset Value

NAV means the total assets of the Trust (which includes bitcoin, cash and cash equivalents) less total liabilities of the Trust. The Administrator will determine the NAV of the Trust on each day that the Exchange is open for regular trading, as promptly as practical after 4:00 p.m. ET. The NAV of the Trust is the aggregate value of the Trust's assets less its liabilities (which include accrued but unpaid fees and expenses), both estimated and finally determined), based on the Bitcoin Market Price. In determining the Trust's NAV, the Administrator values the bitcoin held by the Trust based on the Bitcoin Market Price as of 4:00 p.m. ET. The Administrator also determines the NAV per Share.

The NAV for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time.

Availability of Information

The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the current NAV per Share daily and the prior business day's NAV per Share and the reported BZX Official Closing Price;[21] (b) the BZX Official Closing Price in relation to the NAV per Share as of the time the NAV is calculated and a calculation of the premium or discount of such price against such NAV per Share; (c) data in chart form displaying the frequency distribution of discounts and premiums of the BZX Official Closing Price against the NAV per Share, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (d) the prospectus; and (e) other applicable quantitative information. The aforementioned information will be published as of the close of business available on the Trust's website at *https://ospreyfunds.io/products/obtc/,* or any successor thereto. The Trust will also disseminate its holdings on a daily basis on its website.

The Intraday Indicative Value (''IIV'') will be calculated by using the prior day's closing NAV per Share as a base and updating that value during Regular Trading Hours to reflect changes in the value of the Trust's bitcoin holdings during the trading day, using Lukka. The IIV disseminated during Regular Trading Hours should not be viewed as an actual real-time update of the NAV,

[17] Any alternative method will only be employed on an ad hoc basis. Any permanent change to the calculation of the NAV would require a proposed rule change under Rule 19b–4.

[18] *See https://cmbi-indexes.coinmetrics.io/cmbibtc.*

[19] *See https://coinmetrics.io/wp-content/uploads/2021/05/reference-rates-methodology.pdf.*

[20] *See https://coinmetrics.io/wp-content/uploads/2021/04/reference-rates-market-selection-framework.pdf.*

[21] As defined in Rule 11.23(a)(3), the term ''BZX Official Closing Price'' shall mean the price disseminated to the consolidated tape as the market center closing trade.

which will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the Exchange's Regular Trading Hours through the facilities of the consolidated tape association (CTA) and Consolidated Quotation System (CQS) high speed lines. In addition, the IIV will be available through on-line information services such as Bloomberg and Reuters.

The price of bitcoin will be made available by one or more major market data vendors, updated at least every 15 seconds during Regular Trading Hours.

Quotation and last sale information for bitcoin is widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in bitcoin is available from major market data vendors and from the trading platforms on which bitcoin are traded. Depth of book information is also available from bitcoin trading platforms. The normal trading hours for bitcoin trading platforms are 24 hours per day, 365 days per year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's BZX Official Closing Price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

The Bitcoin Custodian

The Bitcoin Custodian has been engaged to keep the digital assets in safe custody. The Bitcoin Custodian processes deposits and withdrawals only according to instructions received from the Sponsor. The Bitcoin Custodian requires up to twenty-four (24) hours between any request to withdraw Digital Assets from the Custodial Account and submission of such withdrawal to the applicable Digital Asset network. The Bitcoin Custodian stores all Digital Asset private keys in offline storage, and it may be necessary to retrieve certain information from offline storage in order to facilitate a withdrawal in accordance with the Sponsor's instructions, which may delay the initiation or crediting of such withdrawal.

While the Bitcoin Custodian will make reasonable efforts to process Sponsor initiated deposits in a timely manner, the Bitcoin Custodian does not guarantee the amount of time needed to complete processing as such processing is dependent upon many factors outside of the Bitcoin Custodian's control.

Creation and Redemption of Shares

When the Trust sells or redeems its Shares, it will do so in cash transactions in blocks of 50,000 Shares that are based on the quantity of bitcoin attributable to each Share of the Trust (*e.g.,* a Creation Basket) at the NAV. The Authorized Participants will deliver only cash to create Shares and will receive only cash when redeeming Shares. Further, Authorized Participants will not directly or indirectly purchase, hold, deliver, or receive bitcoin as part of the creation or redemption process or otherwise direct the Trust or a third party with respect to purchasing, holding, delivering, or receiving bitcoin as part of the creation or redemption process. The Trust will create Shares by receiving bitcoin from a third party that is not the Authorized Participant and the Trust—not the Authorized Participant—is responsible for selecting the third party to deliver the bitcoin. Further, the third party will not be acting as an agent of the Authorized Participant with respect to the delivery of the bitcoin to the Trust or acting at the direction of the Authorized Participant with respect to the delivery of the bitcoin to the Trust. The Trust will redeem shares by delivering bitcoin to a third party that is not the Authorized Participant and the Trust—not the Authorized Participant—is responsible for selecting the third party to receive the bitcoin. Further, the third party will not be acting as an agent of the Authorized Participant with respect to the receipt of the bitcoin from the Trust or acting at the direction of the Authorized Participant with respect to the receipt of the bitcoin from the Trust.

According to the Registration Statement, on any business day, an authorized participant may place an order to create one or more Creation Baskets. Purchase orders for cash transaction Creation Baskets must be placed by 4:00 p.m. Eastern Time, or the close of regular trading on the Exchange, whichever is earlier. The day on which an order is received is considered the purchase order date. The total deposit of cash required is based on the combined NAV of the number of Shares included in the Creation Baskets being created determined as of 4:00 p.m. ET on the date the order to purchase is properly received. The Administrator determines the quantity of bitcoin associated with a Creation Basket for a given day by dividing the number of bitcoin held by the Trust as of the opening of business on that business day, adjusted for the amount of bitcoin constituting estimated accrued but unpaid fees and expenses of the Trust as of the opening of business on that business day, by the quotient of the number of Shares outstanding at the opening of business divided by the number of Shares in a Creation Basket.

The procedures by which an Authorized Participant can redeem one or more Creation Baskets mirror the procedures for the creation of Creation Baskets.

The Sponsor (including its delegates) will maintain ownership and control of the Trust's bitcoin in a manner consistent with good delivery requirements for spot commodity transactions.

Rule 14.11(e)(4)—Commodity-Based Trust Shares

The Shares will be subject to BZX Rule 14.11(e)(4), which sets forth the initial and continued listing criteria applicable to Commodity-Based Trust Shares. The Exchange represents that, for initial and continued listing, the Trust must be in compliance with Rule 10A–3 under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of listing on the Exchange. The Exchange will obtain a representation that the NAV will be calculated daily and information about the NAV and the assets of the Trust will be made available to all market participants at the same time. The Exchange notes that, as defined in Rule 14.11(e)(4)(C)(i), the Shares will be: (a) issued by a trust that holds (1) a specified commodity [22] deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (c) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash.

Upon termination of the Trust, the Shares will be removed from listing. The Trustee, Delaware Trust Company, is a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Rule 14.11(e)(4)(E)(iv)(a) and that no change will be made to the trustee without prior

[22] For purposes of Rule 14.11(e)(4), the term commodity takes on the definition of the term as provided in the CEA. As noted above, the CFTC has opined that Bitcoin is a commodity as defined in Section 1a(9) of the CEA. *See* Coinflip.

notice to and approval of the Exchange. The Exchange also notes that, pursuant to Rule 14.11(e)(4)(F), neither the Exchange nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions or delays in calculating or disseminating any underlying commodity value, the current value of the underlying commodity required to be deposited to the Trust in connection with issuance of Commodity-Based Trust Shares; resulting from any negligent act or omission by the Exchange, or any agent of the Exchange, or any act, condition or cause beyond the reasonable control of the Exchange, its agent, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission or delay in the reports of transactions in an underlying commodity. Finally, as required in Rule 14.11(e)(4)(G), the Exchange notes that any registered market maker (''Market Maker'') in the Shares must file with the Exchange in a manner prescribed by the Exchange and keep current a list identifying all accounts for trading in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker shall trade in an underlying commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, in an account in which a registered Market Maker, directly or indirectly, controls trading activities, or has a direct interest in the profits or losses thereof, which has not been reported to the Exchange as required by this Rule. In addition to the existing obligations under Exchange rules regarding the production of books and records (see, *e.g.,* Rule 4.2), the registered Market Maker in Commodity-Based Trust Shares shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or registered or non-registered employee affiliated with such entity for its or their own accounts for trading the underlying physical commodity, related commodity futures or options on commodity futures, or any other related commodity derivatives, as may be requested by the Exchange.

The Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin, Bitcoin Futures contracts, options on Bitcoin Futures, or any other bitcoin derivative through members acting as registered Market Makers, in connection with their proprietary or customer trades.

As a general matter, the Exchange has regulatory jurisdiction over its members, and their associated persons. The Exchange also has regulatory jurisdiction over any person or entity controlling a member, as well as a subsidiary or affiliate of a member that is in the securities business. A subsidiary or affiliate of a member organization that does business only in commodities would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in BZX Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the bitcoin underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 14.11(e)(4)(E)(ii), which sets forth circumstances under which trading in the Shares may be halted.

If the IIV or the value of the Index is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the value of the Index occurs. If the interruption to the dissemination of the IIV or the value of the Index persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. BZX will allow trading in the Shares during all trading sessions on the Exchange. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in BZX Rule 11.11(a) the minimum price variation for quoting and entry of orders in securities traded on the Exchange is $0.01 where the price is greater than $1.00 per share or $0.0001 where the price is less than $1.00 per share. The Shares of the Trust will conform to the initial and continued listing criteria set forth in BZX Rule 14.11(e)(4).

Surveillance

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Commodity-Based Trust Shares. FINRA conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, CME Bitcoin Futures, or any other bitcoin derivative with other markets and other entities that are members of the ISG, and the Exchange, or FINRA on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, CME Bitcoin Futures, or any other bitcoin derivative from such markets and other entities.[23] The Exchange may obtain information regarding trading in the Shares, CME Bitcoin Futures, or any other bitcoin derivative via ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Sponsor has represented to the Exchange that it will advise the

[23] *See supra* note 13.

Exchange of any failure by the Trust or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (i) the procedures for the creation and redemption of Creation Baskets (and that the Shares are not individually redeemable); (ii) BZX Rule 3.7, which imposes suitability obligations on Exchange members with respect to recommending transactions in the Shares to customers; (iii) how information regarding the IIV and the Trust's NAV are disseminated; (iv) the risks involved in trading the Shares outside of Regular Trading Hours [24] when an updated IIV will not be calculated or publicly disseminated; (v) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (vi) trading information. The Information Circular will also reference the fact that there is no regulated source of last sale information regarding bitcoin, that the Commission has no jurisdiction over the trading of bitcoin as a commodity, and that the CFTC has regulatory jurisdiction over the trading of CME Bitcoin Futures contracts and options on CME Bitcoin Futures contracts.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Shares. Members purchasing the Shares for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

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.[25] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [26] 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.

The Commission has historically approved or disapproved exchange filings to list and trade series of Trust Issued Receipts, including spot-based Commodity-Based Trust Shares, on the basis of whether the listing exchange has in place a comprehensive surveillance sharing agreement with a regulated market of significant size related to the underlying commodity to be held.[27] The Commission has also consistently recognized, however, that this is not the exclusive means by which an ETP listing exchange can meet this statutory obligation.[28] A listing exchange could, alternatively, demonstrate that ''other means to prevent fraudulent and manipulative acts and practices will be sufficient'' to justify dispensing with a surveillance-sharing agreement with a regulated market of significant size.

Both the Exchange and CME are members of the ISG.[29] With this in mind, the CME Bitcoin Futures market is the proper market to consider in determining whether there is a related regulated market of significant size. Recently, the Commission issued orders granting approval for Spot Bitcoin ETPs and commodity trust and trust issued receipts (these funds are nearly identical to the Trust). In the Spot Bitcoin ETP Approval Order, the Commission stated:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record . . . the Commission is able to conclude that fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is consistently highly correlated to spot bitcoin, albeit not of ''significant size'' related to spot bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [p]roposals.[30]

As such, the listing exchanges demonstrated ''other means to prevent fraudulent and manipulative acts and practices will be sufficient'' to justify dispensing with the ''regulated market of significant size'' test. Given this, the Exchange believes the Shares satisfy the requirements of Exchange Rule BZX Rule 14.11(e)(4) and thereby qualify for listing and trading on the Exchange.

Commodity-Based Trust Shares

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed on the Exchange pursuant to the initial and continued listing criteria in Exchange Rule 14.11(e)(4). The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Commodity-Based Trust Shares. The Sponsor has represented to the Exchange that it will advise the Exchange of any failure by the Trust or the Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust or the Shares are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under Exchange Rule 14.12. The Exchange may obtain information regarding trading in the Shares and listed bitcoin derivatives via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

Availability of Information

In addition to the price transparency of the Index, the Trust will provide information regarding the Trust bitcoin holdings as well as additional data regarding the Trust.

[24] Regular Trading Hours is the time between 9:30 a.m. and 4:00 p.m. Eastern time.

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

[27] *See supra* note 12.

[28] *See* Winklevoss Order, 83 FR at 37580.

[29] *See supra* note 13.

[30] *See* the Spot Bitcoin ETP Approval Order at 3011–3012.

The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the current NAV per Share daily and the prior business day's NAV per Share and the reported BZX Official Closing Price;[31] (b) the BZX Official Closing Price in relation to the NAV per Share as of the time the NAV is calculated and a calculation of the premium or discount of such price against such NAV per Share; (c) data in chart form displaying the frequency distribution of discounts and premiums of the BZX Official Closing Price against the NAV per Share, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (d) the prospectus; and (e) other applicable quantitative information. The aforementioned information will be published as of the close of business available on the Trust's website at *https://ospreyfunds.io/products/obtc/,* or any successor thereto. The Trust will also disseminate its holdings on a daily basis on its website.

The IIV will be calculated by using the prior day's closing NAV per Share as a base and updating that value during Regular Trading Hours to reflect changes in the value of the Trust's bitcoin holdings during the trading day, using Lukka. The IIV disseminated during Regular Trading Hours should not be viewed as an actual real-time update of the NAV, which will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the Exchange's Regular Trading Hours through the facilities of the consolidated tape association (CTA) and Consolidated Quotation System (CQS) high speed lines. In addition, the IIV will be available through on-line information services such as Bloomberg and Reuters.

The price of bitcoin will be made available by one or more major market data vendors, updated at least every 15 seconds during Regular Trading Hours.

As noted above, the Index is calculated daily and aggregates the notional value of bitcoin trading activity across high quality bitcoin spot trading platforms. Index data, the Index value, and the description of the Index are based on information made publicly available by the Index Provider on its website at *https://indexes.coinmetrics.io/cmbibtc*.

Quotation and last sale information for bitcoin is widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in bitcoin is available from major market data vendors and from the trading platforms on which bitcoin are traded. Depth of book information is also available from bitcoin trading platforms. The normal trading hours for bitcoin trading platforms are 24 hours per day, 365 days per year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's BZX Official Closing Price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA.

The proposed rule change is designed to perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a surveillance sharing agreement. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, CME Bitcoin Futures, or any other bitcoin derivative with other markets and other entities that are members of the ISG, and the Exchange, or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares, CME Bitcoin Futures, or any other bitcoin derivative from such markets and other entities.[32] The Exchange may obtain information regarding trading in the Shares, CM CME Bitcoin Futures, or any other bitcoin derivative via ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 notes that the proposed rule change, rather will facilitate the listing and trading of an additional exchange-traded product that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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, as modified by Amendment No. 1, 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–2025–045 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–2025–045. This file number should be included on the subject line if email is used. To help the Commission process and review your

[31] *See supra* note 22.

[32] *See supra* note 13.

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–2025–045 and should be submitted on or before April 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–05589 Filed 4–1–25; 8:45 am]

BILLING CODE 8011–01–P

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102737; File No. SR–Phlx–2025–14]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx Options 7, Section 4

March 27, 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 March 20, 2025, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A). Specifically, the Exchange proposes to note that Floor Qualified Contingent Cross (''QCC'') Rebates are paid to Floor Brokers.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* at the principal office of the Exchange, 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

Phlx proposes to amend Phlx's Pricing Schedule at Options 7, Section 4, Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed) (Excludes SPY and broad-based index options symbols listed within Options 7, Section 5.A). Specifically, the Exchange proposes to note that Floor Qualified Contingent Cross (''QCC'') Rebates are paid to Floor Brokers.

[3] The term ''Floor Broker'' means an individual who is registered with the Exchange for the purpose, while on the Options Floor, of accepting and handling options orders. *See* Options 7, Section 1(c).

Floor QCC Orders, as defined in Options 8, Section 30(e), is an order comprised of an originating order to buy or sell at least 1,000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Options 3, Section 12(a)(3), coupled with a contra-side order or orders totaling an equal number of contracts. The Exchange separately defines [sic].

Today, Options 7, Section 4 describes QCC Rebates that are offered by Phlx. Today, Phlx pays a QCC Rebate of $0.12 per contract on electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), when a QCC Order is comprised of a Customer or Professional order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side. This rebate is $0.17 per contract in the event that a member or member organization executes greater than 750,000 qualifying QCC contracts in a given month. Additionally, Phlx pays a rebate of $0.22 per contract in the event that a member or member organization executes: (1) greater than 750,000 qualifying QCC contracts in a given month, (2) Floor Originated Strategy Executions[4] in excess of 1,250,000 contracts in a given month, and (3) at least 40% of the member or member organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

Today, Phlx also pays a QCC Rebate of $0.14 per contract on electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), when a QCC Order is comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side. This rebate is $0.19 per contract in the event that a member or member organization executes greater than 750,000 qualifying QCC contracts in a given month. Additionally, Phlx pays a rebate of $0.27 per contract in the event that a member or member organization executes: (1) greater than 750,000 qualifying QCC contracts in a given month, (2) Floor Originated Strategy Executions in excess of 1,250,000 contracts in a given month, and (3) at least 40% of the member or member

[4] Floor Originated Strategy Executions are defined as a dividend, merger, short stock interest, reversal and conversion, jelly roll or box spread strategy as described in Options 7, Section 4.

organization's QCC executed contracts in that month are comprised of a Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on one side and Lead Market Maker, Market Maker, Broker-Dealer, or Firm order on the other side.

Today, these QCC rebates are paid on all qualifying executed electronic QCC Orders, as defined in Options 3, Section 12, and Floor QCC Orders, as defined in Options 8, Section 30(e), except where the transaction is either: (i) Customer-to-Customer; (ii) Customer-to-Professional; (iii) Professional-to-Professional or (iv) a dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions (as defined in Options 7, Section 4). Further, today, volume resulting from all executed electronic QCC Orders and Floor QCC Orders, including Customer-to-Customer, Customer-to-Professional, and Professional-to-Professional transactions and excluding dividend, merger, short stock interest, reversal and conversion, jelly roll, and box spread strategy executions, will be aggregated in determining the applicable member or member organization qualifying QCC contract volume in a given month.

At this time, the Exchange proposes to note in the rule text that rebates for qualifying executed Floor QCC Orders are paid to Floor Brokers. The Exchange previously noted that rebates for Floor QCC Orders are paid to a Floor Broker.[5] The Exchange believes that adding this rule text to Options 7, Section 4 will provide more clarity as to the manner in which rebates for Floor QCC Orders are paid.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [9] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[10] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [11]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [12] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange believes that it is reasonable to pay QCC Rebates for Floor QCC Orders to a Floor Broker, because it is necessary from a competitive standpoint to offer this rebate to the executing Floor Broker on a Floor QCC order.[13] The Exchange expects that the rebate offered to executing Floor Brokers will allow them to price their services at a level that will enable them to attract Floor QCC order flow from participants who would otherwise enter these orders electronically from off the floor. To the extent that Floor Brokers are able to attract these Floor QCC orders, they will gain important information that will allow them to solicit the parties to the Floor QCC orders for participation in other trades, which will in turn benefit all other Exchange participants through the additional liquidity and price discovery that may occur as a result. Other options markets similarly pay QCC rebates to floor brokers.[14]

The Exchange believes that it is equitable and not unfairly discriminatory to pay the rebate for Floor QCC Orders to Floor Brokers because it would uniformly apply to all Floor QCC Orders entered by a Floor Broker into FBMS for execution. The rebate is not unfairly discriminatory to firms that enter electronic QCC Orders because the transaction fees and rebates for electronic orders do not require a Floor Broker. In addition, pursuant to Options 8, Section 30(e), only Floor Brokers may enter a Floor QCC order from the trading floor of the Exchange, therefore, providing the rebate for Floor QCC Orders to Floor Brokers does not discriminate against electronic QCC orders entered off the floor. Any participant may engage a Floor Broker in a discussion surrounding the appropriate level of fees that they may be charged for entrusting the entry of the Floor QCC Order to the Floor Broker into FBMS for execution. The additional order flow attracted by this rebate should benefit all participants. Finally, the rebate is meant to assist Floor Brokers to recruit business on an agency basis. The Floor Broker may use all or part of the rebate to offset its fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be

[5] *See* Securities Exchange Act Release No. 66145 (January 11, 2012), 77 FR 2579 (January 18, 2012) (SR–Phlx–2011–189); and 78116 (June 21, 2016), 81 FR 41629) (SR–Phlx–2016–69).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

[8] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[9] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[10] *See NetCoalition,* at 534–535.

[11] *Id.* at 537.

[12] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[13] The Floor Broker is in receipt of Floor QCC Orders and enters those orders into The Options Floor Based Management System or ''FBMS''. Specifically, Options 8, Section 30(e) permits Floor QCC Orders to be submitted to the System by Floor Brokers on the trading floor via FBMS. These orders are not required to be exposed in open outcry.

[14] *See* NYSE American Options Fee Schedule (QCC Fees and Credits) and NYSE Arca Options Fees and Charges (Manual Billable Rebate Program).

excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The Exchange believes paying the rebate for Floor QCC Orders to Floor Brokers does not impose an undue burden on competition because it would uniformly apply to all Floor QCC Orders entered by a Floor Broker into FBMS for execution. Firms that enter electronic QCC Orders do not require a Floor Broker as compared to Floor QCC Orders which must be entered by a Floor Broker from the trading floor pursuant to Options 8, Section 30(e). Any participant may engage a Floor Broker in a discussion surrounding the appropriate level of fees that they may be charged for entrusting the entry of the Floor QCC Order to the Floor Broker into FBMS for execution. The additional order flow attracted by this rebate should benefit all participants. Finally, the rebate is meant to assist Floor Brokers to recruit business on an agency basis. The Floor Broker may use all or part of the rebate to offset its fees.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [15] and Rule 19b–4(f)(2) [16] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–Phlx–2025–14 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–Phlx–2025–14. 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–Phlx–2025–14 and should be submitted on or before April 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Sherry R. Haywood,

Assistant Secretary.

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[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102734; File No. SR–MEMX–2025–07]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow the Exchange To List Options on Certain ETFs That Hold Precious Metals (Including Gold, Silver, Palladium, and Platinum)

March 27, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 14, 2025, MEMX LLC (''MEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend Rule 19.3, Criteria for Underlying Securities to allow the Exchange to list and trade options on the Aberdeen Standard Physical Silver Trust (''SIVR''), the Aberdeen Standard Physical Gold Trust (''SGOL''), the Aberdeen Standard Physical Palladium Trust (''PALL''), the Aberdeen Standard Physical Platinum Trust (''PPLT''), the Sprott Physical Gold Trust (''PHYS''), and the Goldman Sachs Physical Gold ETF (''AAAU'') (the ''Precious Metal ETFs'') as Fund Shares deemed appropriate for options trading on the Exchange. The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 19.3 regarding the criteria for underlying securities. Specifically, the Exchange proposes to amend Rule 19.3(i) to allow the Exchange to list and trade options on the Aberdeen Standard Physical Silver Trust (''SIVR''), the Aberdeen Standard Physical Gold Trust (''SGOL''), the Aberdeen Standard Physical Palladium Trust (''PALL''), the Aberdeen Standard Physical Platinum Trust (''PPLT''), the Sprott Physical Gold Trust (''PHYS''), and the Goldman Sachs Physical Gold ETF (''AAAU'') (the ''Precious Metal ETFs'') as Fund Shares deemed appropriate for options trading on the Exchange. Rule 19.3(i) provides that securities deemed appropriate for options trading include shares or other securities (''Fund Shares'') that represent certain types of interests,[3] and Rule 19.3(i)(4), in particular, includes Fund Shares that represent interest in the SPDR Gold Trust, the iShares COMEX Gold Trust, and the iShares Silver Trust. The proposed rule change expands the Fund Shares under Rule 19.3(i)(4) deemed appropriate for options trading on the Exchange to include the Precious Metal ETFs. This is a competitive filing based on a similar proposal submitted by Cboe EDGX Exchange, Inc. (''EDGX'').[4]

Like the SPDR Gold Trust, iShares COMEX Gold Trust, and the iShares Silver Trust, the Precious Metal ETFs are precious metal-backed commodity ETFs structured as trusts. Specifically, each trust's investment objective is for its shares to reflect the performance of the price of the applicable precious metal (less the expenses of the trust's operations), offering investors an opportunity to gain exposure to precious metals without the complexities of physical delivery of the metals. Each trust issues shares, which represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of the applicable precious metal.[5] Each Precious Metal ETF is a competitively priced commodity ETF and provides investors with a cost-efficient alternative that allows a level of participation in the gold, silver, palladium, or platinum market, as applicable, through the securities market. Likewise, each Precious Metal ETF trust also issues shares that represent fractional undivided beneficial interest in the respective trust, each of which holds the applicable physical precious metal and is designed to track that precious metal or the performance of the price of that precious metal and offer access to the precious metal market.

The Exchange believes that offering options on the Precious Metal ETFs will benefit investors by providing them with additional, relatively lower cost investing tools to gain exposure to the price of gold, silver, palladium, or platinum, as applicable, and hedging vehicles to meet their investment needs in connection with precious metal-related products and positions. As described above, the precious metal-backed ETFs on which the Exchange may already list and trade options are trusts structured in substantially the same manner as the Precious Metal ETFs and essentially offer the same objectives and benefits to investors. The Exchange notes it has not identified any issues with the continued listing and trading of the precious metal-backed ETF options that it currently lists and trades on the Exchange.

The Precious Metal ETF options will trade in the same manner as any other ETF option on the Exchange. The Exchange Rules that currently apply to the listing and trading of all ETF options on the Exchange, including, for example, Rules that govern listing criteria, expiration and exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures will apply to the listing and trading of options on the Precious Metal ETFs 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 ETFs already deemed appropriate for options trading on the Exchange pursuant to Rule 19.3(i)(4).

The Exchange's initial listing standards for ETFs on which options may be listed and traded on the Exchange will apply to the Precious Metal ETFs. The Exchange notes that each Precious Metal ETF satisfies the initial listing standards as set forth in Rule 19.3(a) and (b). Pursuant to Rule 19.3(a), a security (which includes an ETF) on which options may be listed and traded on the Exchange must be duly registered and be an NMS stock, and be characterized by a substantial number of outstanding shares that are

[3] Specifically, Rule 19.3(i) states that securities deemed appropriate for options trading shall include shares or other securities (''Fund Shares''), including but not limited to Partnership Units as defined in this Rule, that are principally traded on a national securities exchange and are defined as an ''NMS stock'' under Rule 600 of Regulation NMS, and 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 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, the iShares Silver Trust, iShares Bitcoin Trust, Fidelity Wise Origin Bitcoin Fund, the ARK 21Shares Bitcoin ETF, Grayscale Bitcoin Trust, Grayscale Bitcoin Mini Trust, or the Bitwise Bitcoin ETF.

[4] *See* Securities Exchange Act Release No. 102278 (January 24, 2025), 90 FR 8550 (January 30, 2025) (SRCboeEDGX–2025–004) (Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Allow the Exchange to List Options Certain ETFs that Hold Precious Metals (Including Gold, Silver, Palladium, and Platinum)).

[5] Each trust may include minimal cash.

widely held and actively traded. As of December 31, 2024, the 12-month ADV, the market capitalization, and the net asset value (''NAV'') of the shares of each Precious Metal ETF were as follows:

Precious metal ETF	12-Monday ADV (shares)	Market capitalization ($)	NAV ($)
SIVR	1,024,715	1.46B	28.46
SGOL	3,472,735	3.79B	25.27
PALL	111,790	361M	85.07
PPLT	158,599	1.05B	85.98
PHYS	2,155,974	8.49B	20.85
AAAU	2,320,231	898M	26.17

Pursuant to Rule 19.3(b), an underlying security (which includes a Fund Share) on which options may be listed and traded must have a minimum of 7,000,000 shares of the underlying security owned by persons other than those required to report their stock holdings under Section 16(a) of the Securities and Exchange Act (the ''Act''), a minimum of 2,000 holders of the underlying security, and trading volume of at least 2,400,000 shares in the preceding 12 months.[6] As of December 31, 2024, the outstanding shares and total 12-month trading volume for the shares of each Precious Metal ETF were as follows:[7]

Precious metal ETF	Outstanding shares	12-Month trading volume (shares)
SIVR	51.5M	258,228,060
SGOL	150.7M	875,129,339
PALL	4.3M	28,171,185
PPLT	12.2M	39,966,888
PHYS	418.1M	543,305,346
AAAU	34.5M	584,698,096

Pursuant to Rule 19.3(i)(1), Fund Shares must meet either (i) the criteria and standards set forth in Rule 19.3(a) and (b) or (ii) be 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 Exchange represents that, at a minimum, each Precious Metal ETF satisfies Rule 19.3(i)(1)(B).[8]

Each Precious Metal ETF will also 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, Rule 19.4(g) provides that Fund Shares 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 is delisted from trading as provided in Rule 19.4(b)(4) (*i.e.,* the underlying security ceases to be an ''NMS stock'' as defined in Rule 600 of Regulation NMS under the Act). In addition, the Exchange shall consider suspension of opening transactions in any series of options of the class covering Fund Shares in any of the following circumstances: in the case of options covering Fund Shares approved pursuant to Rule 19.3(i)(4)(A), in accordance with 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

[6] Rule 19.3(b) also requires the issuer of the underlying security to be in compliance with any applicable requirements of the Act or rules thereunder and requires the underlying security to meet certain minimum share price requirements.

[7] The number of shareholders is not publicly available for the Precious Metal ETFs; however, given the significant number of outstanding shares and trading volume, it is reasonable to believe the number of shareholders is above 2,000.

[8] *See* SIVR Prospectus (February 12, 2024, as supplemented August 15, 2024), available at *https://www.abrdn.com/docs?editionId=82b65f8a-4066-4200-b795-43de6f9839d1;* SGOL Prospectus (October 21, 2022, as supplemented August 14, 2024), available at *https://www.abrdn.com/docs?editionId=0430a588-a44d-412c-9b1a-3b5065d7d05d;* PALL Prospectus (September 27, 2023, as supplemented August 14, 2024), available at *https://www.abrdn.com/docs?editionId=ed376abe-d762-48f6-a36e-a8c317d6f043;* PPLT Prospectus (January 19, 2024, as supplemented August 14, 2024), available at *https://www.abrdn.com/docs?editionId=1dbe36b9-a949-4d2d-985d-85bbb98ef54b;* PHYS Prospectus (September 6, 2024, as supplemented December 6, 2024), available at *https://sprott.com/media/24rllbzr/phys-prospectus-supplement-en.pdf;* and AAAU Prospectus (March 25, 2022), available at *https://am.gs.com/enus/individual/funds/detail/PV103623/38150K103/goldman-sachs-physical-gold-etf.*

Exchange makes further dealing in such options on the Exchange inadvisable.

Precious Metal ETF options will be physically settled contracts with American-style exercise.[9] Consistent with Rule 19.5, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month and one series of options on each Precious Metal ETF[10] and may also list series of options on each Precious Metal ETF for trading on weekly,[11] monthly,[12] or quarterly basis.[13] The Exchange may also list long-term options series that expire from 12 to 39 months from the time they are listed.[14]

Pursuant to Rule 19.5, Interpretation and Policy .01, which governs strike prices of series of options on Fund Shares, the interval of strike prices may be $1 or greater where the strike price is $200 or less or $5 or greater where the strike price is over $200.[15] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[16] the $0.50 Strike Program,[17] the $2.50 Strike Price Program,[18] and the $5 Strike Program.[19] Pursuant to Rule 21.5, which governs the minimum quoting increment for option contracts traded on the Exchange, the minimum increment for series of Precious Metal ETF options will be $0.05 if the options series is trading at less than $3.00 and $0.10 if the options series is trading at $3.00 or higher.[20] Any and all new series of any Precious Metal ETF option that the Exchange lists will be consistent and comply with the expirations, strike prices and minimum increments set forth in 19.5 and 21.5, as applicable.

Position and exercise limits for options on ETFs, including options the Precious Metal ETFs, will be determined pursuant to Rules 18.7 and 18.9, respectively.[21] The Exchange further notes that Exchange Rule 28.3, which governs margin requirements applicable to the trading of all options on the Exchange, including options on ETFs, will also apply to the trading of the Precious Metal ETF options.[22]

The Exchange represents it has an adequate surveillance program in place for options, including precious metal-backed ETF options. The Exchange intends to apply those same program procedures to options on the Precious Metal ETFs that it applies to the Exchange's other options products, including other precious metal-backed ETF options it currently lists for trading.[23] The Exchange's surveillance staff will have access to the surveillances conducted by the Exchange's affiliated market, MEMX Equities, with respect to the Precious Metal ETFs and would review activity in the underlying Precious Metal ETFs when conducting surveillances for market abuse or manipulation in the options on the Precious Metal ETFs. 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 surveillance data from MEMX Equities, the Exchange would be able to obtain information regarding trading in shares of the Precious Metal ETFs from their primary listing markets and from other markets that trades shares of the Precious Metal ETFs through ISG. In addition, MEMX has a Regulatory Services Agreement with the Financial Industry Regulatory Authority (''FINRA'') for certain market surveillance, investigation and examinations functions. Pursuant to a multiparty 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.[24] Also, the Exchange may obtain information from the CME Group New York Mercantile Exchange, Inc. (''NYMEX'') (a member of the Intermarket Surveillance Group) related to any financial instrument that is based, in whole or in part, upon an interest in or performance of gold, silver, palladium, or platinum (as applicable). The Exchange believes that its 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 Precious Metal ETFs. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on the Precious Metal ETFs.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (''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 Precious Metal ETFs up to the number of expirations currently permissible under the Rules. Because the proposal is limited to six classes, the Exchange believes any additional traffic that may

[9] *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'')); *see also* OCC Rules, Chapters VIII (which governs exercise and assignment) and IX (which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts).

[10] *See* Rule 19.5(b) and (e).

[11] *See* Rule 19.5, Interpretation and Policy .05.

[12] *See* Rule 19.5, Interpretation and Policy .08.

[13] *See* Rule 19.5, Interpretation and Policy .04.

[14] *See* Rule 19.7.

[15] The Exchange notes that for options listed pursuant to the Short Term Option Series Program, Rule 19.5, Interpretation and Policy .05 sets forth intervals between strike prices for Short Term Option Series.

[16] *See* Rule 19.5, Interpretations and Policies .01 and .02.

[17] *See* Rule 19.5, Interpretation and Policy .06.

[18] *See* Rule 19.5, Interpretation and Policy .03.

[19] *See* Rule 19.5(d)(5).

[20] If options on a Precious Metal ETF are eligible to participate in the Penny Interval Program, the minimum increment for those options will be $0.01 if the series is trading below $3.00 and $0.05 if the series is trading at $3.00 or higher. See Rule 21.5(a).

[21] *See* Regulatory Notice 23–12, available at: *https://info.memxtrading.com/wp-content/uploads/2023/09/RegNotice-23-12-Options-Position-Limits.pdf,* which informed Exchange members of the specific position limits applicable to options trading on MEMX Options, pursuant to Rule 18.7, as those position limits calculated and disseminated by the OCC, published daily and which can be found at: *https://www.theocc.com/market-data/market-data-reports/series-and-trading-data/position-limits.* Certain of the Precious Metal ETF options are already available for trading and are subject to the following position limits: SIVR—250,000 contracts; SGOL—250,000 contracts; PALL—50,000 contracts; PPLT—75,000 contracts; and AAAU—250,000 contracts. Given the volume of the remaining Precious Metal ETF, PHYS, over the previous six months, the Exchange anticipates that PHYS will be subject to a 250,000 contract position limit.

[22] Pursuant to Rule 28.3, an Options Member is bound by the initial and maintenance margin requirements of either Cboe Options or the New York Stock Exchange (''NYSE'') (as they may elect from time to time). As noted below, the rules of certain options exchanges, including Cboe Options and EDGX, authorize each of those exchanges to list for trading certain of the Precious Metal ETF options.

[23] 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).

[24] 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.

be generated from the introduction of Precious Metal ETF options will be manageable.

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.[25] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[26] 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)[27] 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 Precious Metal ETFs 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 Precious Metal ETFs will provide investors with greater opportunity to realize the benefits of utilizing options on commodity-based ETFs, including cost efficiencies and increased hedging strategies. The Exchange believes that offering options on competitively priced precious metal-backed commodity ETFs will benefit investors by providing them with an additional, relatively lower cost risk management tool allowing them to more easily manage their positions and associated risk in their portfolios in connection with exposure to the prices of certain precious metals and with precious metal-related products and positions. The Exchange also notes that it already lists options on other precious metal-based ETFs, which, as described above, are trusts structured in substantially the same manner as the Precious Metal ETFs and essentially offer the same objectives and benefits to investors, and for which the Exchange has not identified any issues with the continued listing and trading of the precious metal-backed ETF 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 Precious Metal ETFs must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all Fund Shares, including other precious metal-backed ETFs already deemed appropriate for options trading on the Exchange. Precious Metal ETF options will trade in the same manner as any other ETF—the same Exchange Rules that currently govern the listing and trading of all ETF options, including permissible expirations, strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on the Precious Metal ETFs in the same manner. Further, the rules of several other options exchanges authorize those exchanges to list options on some or all of the Precious Metal ETFs (which rules would have been previously approved and found to be consistent with the Act by the Commission).[28]

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 each Precious Metal ETF satisfies initial listing standards set forth in the Exchange Rules, and options on each Precious Metal ETF will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on Fund Shares on the Exchange will apply in the same manner to the listing and trading of all options traded on the Precious Metal ETFs. Also, and as stated above, the Exchange already lists options on other precious-metal-based ETFs.

The Exchange does not believe that the proposal to list and trade options on the Precious Metal ETFs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the rules of other exchanges already authorize those exchanges to list options on some or all of the Precious Metal ETFs.[29] As a result, 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 an alternative venue to trade these options. 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 the Precious Metal ETFs options for trading on the Exchange will promote competition by providing investors with additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with precious metal prices and precious metal-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 comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[30] and Rule 19b–4(f)(6) thereunder.[31] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[32]

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

[27] *Id.*

[28] *See* Cboe Options Rule 4.3, Interpretation and Policy .06(a)(4); *see also* EDGX Rule 19.3(i)(4).

[29] *Id.*

[30] 15 U.S.C. 78s(b)(3)(A)(iii).

[31] 17 CFR 240.19b–4(f)(6).

[32] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [33] permits the Commission to designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal will allow MEMX to adopt rules already in place at another exchange to permit the listing and trading of options on the Precious Metal ETFs and, in so doing, the proposal does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[34]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2025–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2025–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2025–07 and should be submitted on or before April 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Sherry R. Haywood,

Assistant Secretary.

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days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[33] 17 CFR 240.19b–4(f)(6).

[34] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–6868]

Notice of Intention To Cancel Registrations of Certain Investment Advisers Pursuant to Section 203(H) of the Investment Advisers Act of 1940

March 28, 2025.

Notice is given that the Securities and Exchange Commission (the ''Commission'') intends to issue an order, pursuant to section 203(h) of the Investment Advisers Act of 1940 (the ''Act''), cancelling the registrations of the investment advisers whose names appear in the attached Appendix, hereinafter referred to as the ''registrants.''

Section 203(h) of the Act provides, in pertinent part, that if the Commission finds that any person registered under section 203, or who has pending an application for registration filed under that section, is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall by order cancel the registration of such person.

Each registrant listed in the attached Appendix either (a) has not filed a Form ADV amendment with the Commission as required by rule 204–1 under the Act [1] and appears to be no longer engaged in business as an investment adviser or (b) has indicated on Form ADV that it is no longer eligible to remain registered with the Commission as an investment adviser but has not filed Form ADV–W to withdraw its registration. Accordingly, the Commission believes that reasonable grounds exist for a finding that these registrants are no longer in existence, are not engaged in business as investment advisers, or are prohibited from registering as investment advisers under section 203A, and that their registrations should be cancelled pursuant to section 203(h) of the Act.

Notice is also given that any interested person may, by April 22, 2025, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the cancellation of the registration of any registrant listed in the attached Appendix, accompanied by a statement as to the nature of such person's interest, the reason for such person's request, and the issues, if any, of fact or law proposed to be controverted, and the writer may request to be notified if the Commission should order a hearing thereon. Any such communication should be emailed to the Commission's Secretary at *Secretarys-Office@sec.gov.*

At any time after April 22, 2025, the Commission may issue an order or orders cancelling the registrations of any or all of the registrants listed in the attached Appendix, upon the basis of the information stated above, unless an

[1] Rule 204–1 under the Act requires any adviser that is required to complete Form ADV to amend the form at least annually and to submit the amendments electronically through the Investment Adviser Registration Depository.

order or orders for a hearing on the cancellation shall be issued upon request or upon the Commission's own motion. Persons who requested a hearing, or who requested to be advised as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. Any registrant whose registration is cancelled under delegated authority may appeal that decision directly to the Commission in accordance with rules 430 and 431 of the Commission's rules of practice (17 CFR 201.430 and 431).

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Priscilla Dao, Senior Counsel, at 202–551–6825; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8549.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.[2]

Sherry R. Haywood,

Assistant Secretary.

[*Appendix follows on next page*]

Appendix

SEC No.	Full legal name
801–57974	MARKETOCRACY CAPITAL MANAGEMENT LLC.
801–66878	STOCK MARKETS INSTITUTE.
801–79959	ENIER JOSE CABRERA.
801–80118	TCA FUND MANAGEMENT GROUP CORP.
801–110970	BRITE ADVISORS PTY LTD.
801–128727	MAVROS CAPITAL MANAGEMENT, LLC.
801–129196	PF ADVISORS LLC.

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[2] 17 CFR 200.30–5(e)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102735; File No. SR–LTSE–2025–05]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule To Adopt Certain Market Data Fees

March 27, 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 March 14, 2025, Long-Term Stock Exchange, Inc. (''LTSE'' or ''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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend establish a new section (D. Market Data Fees) in the LTSE Fee Schedule for its proprietary market data feeds, Depth of Book, Top of Book and Last Sale (each an ''Exchange Data Feed'' and collectively, the ''Exchange Data Feeds'') and adopt fees for the Depth of Book and Top of Book Feeds effective March 14, 2025.[3]

The text of the proposed rule change is available at the Exchange's website at *https://longtermstockexchange.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement on 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 self-regulatory organization 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 is proposing to establish a new section (D. Market Data Fees) in the Long-Term Stock Exchange Fee Schedule for its proprietary market data feeds, Depth of Book, Top of Book and Last Sale (each an ''Exchange Data Feed'' and collectively, the ''Exchange Data Feeds'') and adopt fees for the Depth of Book and Top of Book Feeds. The Exchange is proposing to implement the proposed fees effective March 14, 2025.[4]

Proposed Market Data Pricing

The Exchange offers three separate data feeds to subscribers—Depth of Book, Top of Book and Last Sale.[5] The Exchange notes that there is no requirement that any market participant subscribe to a particular Exchange Data Feed or any Exchange Data Feed whatsoever, but instead, a market participant may choose to maintain subscriptions to those Exchange Data Feeds it deems appropriate based on the firm's business model. The proposed Exchange Data Feed fees will be the same for each subscriber regardless of size or type of market participant. The proposed pricing for each of the Exchange Data Feeds is set forth below.

Depth of Book

The Depth of Book feed is an LTSE-only market data feed that contains all displayed orders for securities trading on the Exchange (*i.e.,* top and depth-of-book order data), order executions (*i.e.,* last sale data), order cancellations, order modifications, order identification numbers, and administrative messages.[6] For the receipt of access to the Depth of Book feed the Exchange proposes to charge $2,500 per data recipient per month. The proposed fee would be charged to any data recipient that receives the Depth of Book feed for the purpose of either internal use within the firm and/or external distribution to

[3] *See* Securities Exchange Act Release No. 34–101226 (October 1, 2024), 89 FR 81587 (October 08, 2024) (SR–LTSE–2024–06). *See* also Securities Exchange Act Release No. 100783 (August 20, 2024), 89 FR 68481 (August 26, 2024) (SR–LTSE–2024–03) (Order Approving a Proposed Rule Change to Transition to a New Trading Platform and Amend its Trading Rules).

[4] *See* Securities Exchange Act Release No. 34–102097 (January 3, 2025) 90 FR 2054 (January 10, 2025) (SR–LTSE–2024–12), which was filed on December 20, 2024, and replaced SR–LTSE–2024–08. The fees were initially adopted in SR–LTSE–2024–08, *see* Securities Exchange Act Release No. 34–101584 (November 12, 2024), 89 FR 90782 (November 18, 2024) (SR–LTSE–2024–08). The Exchange is now withdrawing and replacing this filing with SR–LTSE–2025–05.

[5] *See* LTSE Rule 11.330. Data Products. The Exchange notes that in the Rulebook these feeds are defined as the LTSE MEMOIR Depth, LTSE MEMOIR Top and LTSE MEMOIR Last Sale. However, the Exchange is simplifying these names for purposes of simplicity within the LTSE Fee Schedule.

[6] *See* LTSE Rule 11.330(a)(1).

Affiliates[7] or for External Use.[8] The proposed fee for Depth of Book will be charged only once per data recipient per month per subscribing entity.

Top of Book

The Top of Book feed is a LTSE-only market data feed that contains top of book quotations based on equity orders entered into the trading system as well as administrative messages and last sale data.[9] For the receipt of access to the Top of Book feed the Exchange proposes to charge $500 per data recipient per month. The proposed fee would be charged to any data recipient that receives the Top of Book feed for the purpose of either internal distribution within the Company and/or with Affiliates or external distribution for External Use. The proposed fee for Top of Book will be charged only once per month per subscribing entity.

Last Sale

The Last Sale feed is a LTSE-only market data feed that contains only execution information based on equity orders entered into the System as well as administrative messages.[10] For the receipt of access to the Last Sale feed the Exchange proposes to charge $0 per month.

In proposing to charge fees for Exchange Data Feeds, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related services. It has also sought to carefully and transparently assess the impact on Members—both generally and in relation to other Members, *i.e.,* to assure the fees will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,[11] and Rule 19b–4 thereunder,[12] with respect to the types of information self-regulatory organizations (''SROs'') should provide when filing fee changes, and Section 6(b) of the Act,[13] which requires, among other things, that exchange fees be reasonable and equitably allocated,[14] not designed to permit unfair discrimination,[15] and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[16] This rule change proposal addresses those requirements, and the analysis and data in each of the sections that follow are designed to clearly and comprehensively show how they are met.[17]

Cost Analysis

The Exchange notes it operates a unique model where the LTSE trading system and certain associated services are provided on an outsourced basis by MEMX Technologies LLC (''MEMX Technologies'').[18] As such, a large portion of the Exchange's technology costs, including those related to Exchange Data Feeds, are incorporated into the overall fees that the Exchange pays MEMX Technologies as part of its multi-year arrangement to provide a trading system and associated services.[19] Because of this arrangement, the Exchange does not possess the same level of specificity for cost drivers related to market data as other exchanges have detailed within their own similar filings. However, the Exchange recognizes that the fees it pays MEMX Technologies are for the services MEMX Technologies provides to the Exchange and the associated costs incurred by MEMX Technologies. These services and costs include maintaining a team of highly skilled network engineers, fees charged to MEMX Technologies by the third-party data center operator for the servers and equipment LTSE utilizes, costs associated with projects and initiatives designed to improve overall network performance and stability, and costs associated with fully-supporting advances in infrastructure and expansion of network level services, including customer monitoring, alerting and reporting. There are also significant technology expenses related to establishing and maintaining information security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with the MEMX Technologies network technology. Most of the specific expenses for market data fees and the Exchange's DSLA with MEMX Technologies are combined, and therefore the Exchange discusses these expenses, and the portion allocated to market data as part of the ''Third-Party Expenses'' Cost Driver below.

Further, while the Exchange has been operating since September 2020, it only entered the DLSA with MEMX Technologies in January of 2024 and launched the new trading system in September 2024. Therefore, the Exchange's most recent publicly available financial statement (2023 Audited Unconsolidated Financial Statement) does not reflect the current costs associated with development and operation of market data on LTSE. Accordingly, the Exchange believes it is more appropriate to justify its fees utilizing a recent monthly billing cycle and extrapolated annualized costs on a going-forward basis.

LTSE recently calculated its aggregate monthly costs for providing Exchange Data Feeds at $272,627 for 2025.[20] Before the launch of the new trading system in September 2024 the Exchange did not offer any market data products. Now, in order to cover some of the aggregate costs of providing the Exchange Data Feeds to market participants (both Members and non-Members) the Exchange is proposing to modify its Fee Schedule and charge the

[7] ''Affiliates'' is defined as any Data Recipient meaning any entity that directly or indirectly Controls, is Controlled by, or is under common Control with Data Recipient. An Affiliate of Data Recipient is entitled to the same rights granted to Data Recipient hereunder including the right to use and distribute the Market Data to other Persons subject to the terms of the Exchange Data Agreement. *See* Long-Term Stock Exchange, Inc. Exchange Data Agreement. Internal distribution includes the sharing of any Exchange data product to other legal entities affiliated with the firm that have been disclosed to the Exchange.

[8] ''External Use'' is defined as the distribution of Market Data to Persons who are not officers, employees or Affiliates of the Distributor. *See* Long-Term Stock Exchange, Inc. Exchange Data Agreement. External distribution includes a firm that receives an Exchange data product and then distributes that data to a third-party or one or more data recipients outside the firm.

[9] *See* LTSE Rule 11.330(a)(2).

[10] *See* LTSE Rule 11.330(a)(3).

[11] 15 U.S.C. 78s(b)(1).

[12] 17 CFR 240.19b–4.

[13] 15 U.S.C.78f(b).

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(8).

[17] In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Act (''Fee Guidance''). While LTSE understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with LTSE's view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019). Available at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees.gov.*

[18] The Exchange and MEMX Technologies executed a Development, License and Services Agreement on January 23, 2024, with accompanying Schedules (collectively, the ''DLSA''). MEMX Technologies, an affiliate of the MEMX Exchange, is in the business of developing technology systems for use in the financial industry. *See* SR–LTSE–2024–03.

[19] The DSLA with MEMX Technologies entails both fixed and variable costs. To Exchange used both types of costs when determining aggregated monthly costs detailed below.

[20] The aggregate monthly costs were determined by taking the individual cost drivers as detailed below and dividing it annually by twelve months.

Exchange Market Data Fees detailed herein.

In order to determine the Exchange's costs for providing the services associated with the Exchange Data Feeds, the Exchange conducted an extensive review in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the services associated with the Market Data Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services. The sum of all such portions of expenses represents the total cost of the Exchange to provide the services associated with the Exchange Data Feeds. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the total cost to provide Exchange Data Feeds.

The Exchange believes that the Market Data Fees are fair and reasonable because they will only cover a portion of the total annual expense that the Exchange projects to incur in connection with providing the services associated with the proposed Market Data Fees versus the total annual revenue of the Exchange projects to collect in connection with providing those services. Based on current market data usage, the Exchange would generate monthly revenues for 2025 of approximately $52,000, which will result in a loss for the Exchange.

Costs Related To Offering Market Data

The following chart details the individual line-item costs considered by LTSE to be related to offering market data as well as the percentage of the Exchange's overall costs per year in that area (*e.g.,* as set forth below, the Exchange allocated approximately 18% of its overall Human Resources cost to offering market data for a total of $591,228 per year).

Cost drivers	Allocated monthly costs	Allocated yearly costs	% of all
Third-Party Expenses	$203,641	$2,443,688	23
Human Resources	49,274	591,228	18
Data Center	19,713	236,552	39
Total	272,627	3,271,527	.....

Below are additional details regarding each of the line-item costs considered by LTSE to be related to offering the Exchange Data Feeds.

Third-Party Expenses

As discussed above, LTSE has undertaken a unique model where it has outsourced its trading system and related technology to a third-party technology provider, MEMX Technologies. With this arrangement LTSE receives, among other things, (1) a state-of-the-art trading engine used to generate and disseminate the Exchange Data Feeds; (2) servers used at the Exchange's primary and back-up data centers specifically for the Exchange Data Feeds; (3) and hardware and software to operate and monitor physical assets necessary to offer the Exchange Data Feeds. MEMX Technologies provides personnel to support the use and operation of the LTSE trading platform including but not limited to, monitoring the network, managing system development and testing, facilitating connection changes and access changes, as well as performing normal maintenance operations. The Exchange has an additional third-party vendor which assists the Exchange with services related to monitoring the trading system. Together these two third-parties account for all the Third-Party expenses.

The Exchange took the annual costs for each of these two third-party providers to determine what portion (or percentage) of these costs related to providing market data and thus bears a relationship that is, ''in nature and closeness,'' directly related to market data. There are four major core technology cost buckets associated with operating the Exchange: (1) the Member Gateways which include physical and logical connectivity, (2) connectivity to the Securities Information Processor (''SIP''), (3) the Trading Engine, and (4) any downstream services which include system reporting, etc. The Exchange then reviewed each of these technology cost buckets in great detail and determined the percentage each of these buckets should be allocated to the total cost of the third-party expense, with Member Gateways, the SIP and the Trading Engine each accounting for 30% of the costs related to a third-party provider, and downstream services being allocated the remaining 10%. Using this breakdown for both third-party providers, the Exchange determined the portion of each of these costs was associated with providing market data, connectivity services or neither. Here, the Exchange determined that the full allocation for the cost of the Trading Engine (30%) should be associated with the cost of providing market data. However, only 5% (of the overall 30%) allocated to Member Gateway was appropriate to associate with the cost of providing market data, as well as 5% (of the overall 10%) to downstream services. Blended together the Exchange allocated 23% of its overall Third-Party costs to offering market data.

Human Resources

In addition to the cost of personnel of outsourced third-party providers that are allocated in the Third-Party Expense above, LTSE then calculated an allocation of LTSE employee time for employees whose functions include providing services necessary to offer the Exchange Data Feeds, including performance thereof, as well as personnel with ancillary functions related to establishing and providing such services (such as information security and finance personnel). The Exchange notes that system support services to Members and non-Members provided by the Exchange and its staff, including monitoring, reporting and other support services, are all handled directly by LTSE and not MEMX Technologies.

The Exchange also allocated Human Resources costs to provide market data to a limited subset of LTSE personnel with ancillary functions related to monitoring and enabling market data (such as information security and finance personnel), for which the Exchange allocated cost on an employee-by-employee basis (*i.e.,* only including those personnel who do support functions related to providing market data) and then applied a smaller allocation to such employees. Blended together, Human Resources costs to provide market data accounted for 15% of all Human Resource costs. The Exchange notes that it has fewer than fifty (50) employees, and each department leader has direct knowledge

of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing market data, and confirming that the proposed allocations were reasonable based on an understanding of the percentage of their time such employees devote to tasks related to providing market data. The Exchange notes that senior level executives were only allocated Human Resources costs to the extent the Exchange believed they are involved in overseeing tasks related to providing market data. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

Data Center

In addition to the data center costs included by the Exchange per its DSLA with MEMX Technologies which are allocated in the Third-Party Expenses above, the Exchange also maintains its own footprint in a third-party data center.[21] Data center costs include an allocation of the costs the Exchange incurs to monitor its trading platform, as well as the costs to maintain its equipment in the data center. The Exchange does not own the data center facilities, but instead, leases space in a data center operated by a third-party.

The Exchange has two third-party vendors that account for the Data Center expenses. Consistent with the exercise above, the Exchange took the annual costs for each of these two Data Center vendors to determine what portion (or percentage) of these costs related to providing market data and thus bears a relationship that is, ''in nature and closeness,'' directly related to market data. The Exchange then reviewed each of the technology cost buckets detailed above and determined the percentage each of these buckets should be allocated to the total cost of the Data Center expenses, with Member Gateways, the SIP and the Trading Engine each accounting for 30% of the costs related to a third-party provider, and downstream services being allocated the remaining 10%. Using this breakdown for all Data Center vendors the Exchange determined the portion of each of these costs was associated with providing market data, connectivity services or neither. Here, the Exchange determined that the 39% of the Data Center costs were appropriate to allocate to providing market data.

Proposed Fees—Additional Discussion

In conducting its cost analysis, the Exchange did not allocate any of its expenses in full to any core service and did not double-count any expenses. Instead, as described above, the Exchange identified and allocated applicable cost drivers across its core services and used the same approach to analyzing costs to form the basis of a separate proposal to adopt fees for connectivity services (the ''Connectivity Filing'')[22] and this filing proposing fees for Exchange Data Feeds. Thus, the Exchange's allocations of cost across core services were based on real costs of operating the Exchange and were not double counted across the core services or their associated revenue streams.

The Exchange anticipates that the proposed fees for Exchange Data Feeds will generate approximately $52,000 monthly ($624,000 annually) based on the subscriptions to Exchange Data Feeds in January 2025, as well as projections of new subscriptions as the Exchange ramps up trading within its new trading platform. The proposed fees for Exchange Data Feeds are designed to permit the Exchange to cover a portion of costs for providing Exchange Data Feeds, which the Exchange believes is fair and reasonable after taking into account the costs related to creating, generating, and disseminating the Exchange Data Feeds and the fact that the Exchange will need to fund future expenditures (increased costs, improvements, etc.). LTSE notes that like other exchanges, it is after all, a for-profit business. Accordingly, while the Exchange believes in transparency around costs and potential margins, as well as periodic review of revenues and applicable costs (as discussed below), the Exchange does not believe that these estimates should form the sole basis of whether or not a proposed fee is reasonable or can be adopted. Instead, the Exchange believes that the information should be used solely to confirm that an Exchange is not earning supra-competitive profits, and the Exchange believes its Cost Analysis and related projections demonstrate this fact. As a general matter, the Exchange believes that its costs will remain relatively similar in future years. It is possible however that such costs will either decrease or increase. To the extent the Exchange sees growth in use of Exchange Data Feeds it will receive additional revenue to offset future cost increases. However, if use of Exchange Data Feeds is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange is committing to conduct a one-year review after implementation of these fees. The Exchange expects that it may propose to adjust fees at that time, to increase fees in the event that revenues fail to cover costs and a reasonable mark-up of such costs.

Similarly, the Exchange expects that it would propose to decrease fees in the event that revenue materially exceeds current projections. In addition, the Exchange will periodically conduct a review to inform its decision making on whether a fee change is appropriate (*e.g.,* to monitor for costs increasing/decreasing or subscribers increasing/decreasing, etc. in ways that suggest the then-current fees are becoming dislocated from the prior cost-based analysis) and expects that it would propose to increase fees in the event that revenues fail to cover its costs and a reasonable mark-up, or decrease fees in the event that revenue or the mark-up materially exceeds current projections. In the event that the Exchange determines to propose a fee change, the results of a timely review, including an updated cost estimate, will be included in the rule filing proposing the fee change. More generally, the Exchange believes that it is appropriate for an exchange to refresh and update information about its relevant costs and revenues in seeking any future changes to fees, and the Exchange commits to do so.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)[23] of the Act in general and furthers the objectives of Section 6(b)(4)[24] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed

[21] LTSE has a presence in the Secaucus NY4 data center that is operated by Equinix.

[22] *See* Securities Exchange Act Release No. 34–102322 (February 3, 2025), 90 FR 9175 (February 7, 2025) (SR–LTSE–2025–01) which was filed on January 23, 2025, and replaced SR–LTSE–2024–09. *See* Securities Exchange Act Release No. 34–101851 (December 9, 2024), 89 FR 101057 (December 13, 2024) (SR–LTSE–2024–09) which was filed on November 27, 2024, and replaced SR–LTSE–2024–07. *See* also Securities Exchange Act Release No. 34–101320 (October 11, 2024), 89 FR 83731 (October 17, 2024) (SR–LTSE–2024–07). The fees were initially adopted in SR–LTSE–2024–06, *see* Securities Exchange Act Release No. 34–101226 (October 1, 2024), 89 FR 81587 (October 8, 2024) (SR–LTSE–2024–06).

[23] 15 U.S.C. 78f.

[24] 15 U.S.C. 78f(b)(4).

fees are consistent with the objectives of Section 6(b)(5) [25] of the Act in that they are designed 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 a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange notes prior to addressing the specific reasons the Exchange believes the proposed fees and fee structure are reasonable, equitably allocated and not unreasonably discriminatory, that the proposed fee structure described above is consistent with the fee structure used by the Investors Exchange LLC (''IEX'').[26] As such, the Exchange believes it is adopting a model that is easily understood by Members and non-Members, most of which also subscribe to market data products from other exchanges, including IEX. For this reason, the Exchange believes that the proposed fees described above are consistent with the Act generally, and Section 6(b)(5) [27] of the Act in particular.

Reasonableness

With regard to reasonableness, the Exchange understands that the Commission has traditionally taken a market-based approach to examine whether the SRO making the fee proposal was subject to significant competitive forces in setting the terms of the proposal. The Exchange understands that in general the analysis considers whether the SRO has demonstrated in its filing that (i) there are reasonable substitutes for the product or service; (ii) ''platform'' competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supracompetitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Exchange understands that in general the analysis will next consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Act. The Exchange further understands that if the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Act, which may include production of relevant revenue and cost data pertaining to the product or service.

The Exchange has not determined its proposed overall market data fees based on assumptions about market competition, instead relying upon a cost-plus model to determine a reasonable fee structure that is informed by the Exchange's understanding of different uses of the products. In this context, the Exchange believes the proposed fees overall are fair and reasonable as a form of partial cost recovery, plus provide the possibility of a reasonable return for Exchange's aggregate costs of offering the Exchange Data Feeds. The Exchange believes the proposed fees are reasonable because they are designed to generate annual revenue to recoup some of Exchange's annual costs of providing Exchange Data Feeds. Accordingly, the Exchange believes that this fee methodology is reasonable because it allows the Exchange to recoup some or all of its expenses for providing Exchange Data Feeds. The Exchange also believes that the proposed fees are reasonable because they are less than the fees charged by a competing exchange [28] with comparable market data products, notwithstanding that the competing exchange may have different system architectures that may result in different cost structures for the provision of market data.

The Exchange believes the proposed fees for the Exchange Data Feeds are reasonable when compared to fees for comparable products at MEMX LLC (''MEMX'') [29] a competing exchange. Specifically, the fees for MEMX's MEMOIR Depth Feed,[30] MEMOIR Top Feed [31] and MEMOIR Last Sale Feed [32] are priced higher than the proposed Exchange Data Feeds. Specifically with respect to the Depth of Book feed, the Exchange believes that the proposed fees for such feed are reasonable because the Depth of Book feed contains more information than the Top of Book and Last Sale data feeds. The Top of Book and Last Sale data feeds, as described above, can be utilized to trade on the Exchange but contain less information than that available on the Depth of Book feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it reasonable for the products to be priced as proposed, with Last Sale having no fee, Top of Book priced at $500, and Depth of Book priced at $2500.

Equitable Allocation

The Exchange believes that its proposed fees are reasonable, fair, and equitable, and not unfairly discriminatory because they are designed to align fees with services provided. The Exchange believes that the proposed fees are equitably allocated because they will apply uniformly to all data recipients that choose to subscribe to the Exchange Data Feeds. Any firm that chooses to subscribe to one or more Exchange Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate, and the decision to subscribe to one or more Exchange Data Feeds is based on objective differences in usage of Exchange Data Feeds among different firms, which are still ultimately in the control of any particular firm. The Exchange believes the proposed pricing among Exchange Data Feeds is equitably allocated because it is based upon the amount of information contained in each data feed. The Top of Book and Last Sale data feeds, as described above, can be utilized to trade on the Exchange but contain less information than that is available on the Depth of Book feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it is an equitable allocation of fees for the products to be priced as proposed, with Last Sale having no fee, Top of Book priced at $500, and Depth of Book priced at $2500.[33]

The Proposed Fees Are Not Unfairly Discriminatory

The Exchange believes that the proposed fees are not unfairly discriminatory because they would apply to all data recipients that choose to subscribe to the same Exchange Data Feed(s). Any subscriber that chooses to subscribe to the Exchange Data Feeds is subject to the same Fee Schedule, regardless of what type of business they operate. Because the proposed fees for

[25] 15 U.S.C. 78f(b)(5).

[26] IEX charges $2,500 per month for its Depth of Book Feed (DEEP Feed) and $500 per month for its Top of Book Feed (TOPS Feed). All other market data products on IEX are free.

[27] 15 U.S.C. 78f(b)(5).

[28] *See* the MEMX fee schedule, available at *https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/.*

[29] *Id.*

[30] MEMX charges between $1,500 and $5,000 for its Depth of Book Feed.

[31] MEMX charges between $750 and $10,000 for its Top of Book Feed.

[32] MEMX charges between $500 and $10,000 for its Last Sale Feed.

[33] The Exchange believes it is equitable and appropriate to provide the Last Sale data for free.

Depth of Book are higher, subscribers seeking lower cost options may instead choose to receive data from the SIPs or through the Top of Book and/or Last Sale feed for a lower cost. Alternatively, subscribers can choose to pay for the Depth of Book feed in order to receive data in a single feed with depth-of-book information if such information is valuable to subscribers. The Exchange notes that subscribers can also choose to subscribe to a combination of data feeds for redundancy purposes or to use different feeds for different purposes. In sum, each subscriber has the ability to choose the best business solution for itself. The Exchange does not believe it is unfairly discriminatory to base pricing upon the amount of information contained in each data feed. As described above, the Top of Book and Last Sale data feeds can be utilized to trade on the Exchange but contain less information than that is available on the Depth of Book feed (*i.e.,* even for a subscriber who takes both feeds, such feeds do not contain depth-of-book information). Thus, the Exchange believes it is not unfairly discriminatory for the products to be priced as proposed, with Last Sale having no fee, Top of Book priced at $500, and Depth of Book priced at $2500.[34]

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[35] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that the proposed fees for Exchange Data Feeds place certain market participants at a relative disadvantage to other market participants because, as noted above, the proposed fees are associated with usage of Exchange Data Feeds by each market participant based on the type of business they operate, and the decision to subscribe to one or more Exchange Data Feeds is based on objective differences in usage of Exchange Data Feeds among different firms, which are still ultimately in the control of any particular firm, and such fees do not impose a barrier to entry to smaller participants. Accordingly, the proposed fees for Exchange Data Feeds do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed fees reflects the types of Exchange Data Feeds consumed by various market participants and their usage thereof.

Intermarket Competition

The Exchange does not believe the proposed fees place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, market participants are not forced to subscribe to any of the Exchange Data Feeds, as described above. Additionally, another exchange has similar market data fees in place for their participants, but with comparable and in many cases higher rates for market data feeds.[36] The proposed fees are based on actual costs and are designed to enable the Exchange to recoup a portion of its costs related to providing market data. Competing equities exchanges are free to adopt comparable fee structures subject to the SEC rule filing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule change establishes dues, fees or other charges among its members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act[37] and paragraph (f)(2) of Rule 19b–4 thereunder.[38] Accordingly, the proposed rule change would take effect upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–SR–LTSE–2025–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–SR–LTSE–2025–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–SR–LTSE–2025–05 and should be submitted on or before April 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–05587 Filed 4–1–25; 8:45 am]

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[34] The Exchange believes it is not unfairly discriminatory to provide the Last Sale data for free.

[35] 15 U.S.C. 78f(b)(8).

[36] *See* supra, footnote 28 referencing MEMX Exchange.

[37] 15 U.S.C. 78s(b)(3)(A)(ii).

[38] 17 CFR 240.19b–4(f)(2).

[39] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Gemini Investors VI, L.P. [License No. 01/01–0433]; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under Section 309 of the Small Business Investment Act of 1958, as amended, and 13 CFR 107.1900 of the Code of Federal Regulations to function as a small business investment company under the Small Business Investment Company license number 01/01–0433 issued to Gemini Investors VI, L.P., said license is hereby declared null and void.

Paul Salgado,

Director, Investment Portfolio Management, Office of Investment and Innovation, U.S. Small Business Administration.

[FR Doc. 2025–05657 Filed 4–1–25; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice: 12692]

Certification Under Section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47)

By virtue of the authority vested in me by section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47), I hereby certify that the central government of El Salvador is:

i. combating corruption and impunity, including investigating and prosecuting government officials, military personnel, and police officers credibly alleged to be corrupt, and improving strategies to combat money laundering and other global financial crimes;

ii. implementing reforms, policies, and programs to strengthen the rule of law, including increasing the transparency of public institutions, strengthening the independence of judicial and electoral institutions, and improving the transparency of political campaign and political party financing;

iii. protecting the rights of human rights defenders, trade unionists, journalists, civil society groups, opposition political parties, and the independence of the media;

iv. providing effective and accountable law enforcement and security for its citizens, curtailing the role of the military in public security, and upholding due process of law;

v. implementing programs to reduce violence against women and girls;

vi. implementing policies to reduce poverty and promote economic growth and opportunity, including the implementation of reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

vii. cooperating with the United States to counter drug trafficking, human trafficking and smuggling, and other transnational crime;

viii. cooperating with the United States and other governments in the region to facilitate the return, repatriation, and reintegration of migrants;

ix. taking demonstrable actions to secure national borders and stem mass migration, including by informing its citizens of the dangers of the journey to the southwest border of the United States and advancing efforts to combat crime and violence, build economic opportunity, improve government services, and protect human rights; and

x. implementing policies that improve the environment for businesses, including foreign businesses, to operate and invest, including executing tax reform in a transparent manner, ensuring effective legal mechanisms for reimbursements of tax refunds owed to United States businesses, and resolving disputes involving the confiscation of real property of United States entities.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: March 25, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–05662 Filed 4–1–25; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice: 12691]

Certification Under Section 7045(B)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47)

By virtue of the authority vested in me by section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118–47) (FY 2024 SFOAA), I hereby certify that the central government of Guatemala is:

i. combating corruption and impunity, including investigating and prosecuting government officials, military personnel, and police officers credibly alleged to be corrupt, and improving strategies to combat money laundering and other global financial crimes;

ii. implementing reforms, policies, and programs to strengthen the rule of law, including increasing the transparency of public institutions, strengthening the independence of judicial and electoral institutions, and improving the transparency of political campaign and political party financing;

iii. protecting the rights of human rights defenders, trade unionists, journalists, civil society groups, opposition political parties, and the independence of the media;

iv. providing effective and accountable law, enforcement and security for its citizens, curtailing the role of the military in public security, and upholding due process of law;

v. implementing programs to reduce violence against women and girls;

vi. implementing policies to reduce poverty and promote economic growth and opportunity, including the implementation of reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

vii. cooperating with the United States to counter drug trafficking, human trafficking and smuggling, and other transnational crime;

viii. cooperating with the United States and other governments in the region to facilitate the return, repatriation, and reintegration of migrants;

ix. taking demonstrable actions to secure national borders and stem mass migration, including by informing its citizens of the dangers of the journey to the southwest border of the United States and advancing efforts to combat crime and violence, build economic opportunity, improve government services, and protect human rights; and

x. implementing policies that improve the environment for businesses, including foreign businesses, to operate and invest, including executing tax reform in a transparent manner, ensuring effective legal mechanisms for reimbursements of tax refunds owed to United States businesses, and resolving disputes involving the confiscation of real property of United States entities.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: March 25, 2025.

Marco Rubio,

Secretary of State.

[FR Doc. 2025–05661 Filed 4–1–25; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0024]

Agency Information Collection Activities; Notice and Request for Comment; National Survey of the Use of Booster Seats

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension of a currently-approved collection of information.

SUMMARY: The NHTSA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently-approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act (PRA) of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on the National Survey of the Use of Booster Seats (NSUBS).

DATES: Comments must be submitted on or before June 2, 2025.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2025–0024 through any of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Lacey B. Werth, Office of Traffic Records and Analysis (NSA–210), (202) 366–7468, National Center for Statistics and Analysis, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: National Survey of the Use of Booster Seats.

OMB Control Number: 2127–0644.

Form Number(s): N/A.

Type of Request: Extension of a currently-approved information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The NSUBS is a voluntary collection of restraint use information for children under 13. The purpose of the NSUBS is to gather information on restraint use for all child occupants, in particular the use of booster seats among children ages 4–7. NSUBS is a biennial collection that involves data collectors visiting sampled gas stations, recreation centers, day care centers, and seven specific fast food restaurant chains where vehicles are most likely to have child occupants. Data collectors will observe as many vehicles as possible that appear to have a least one child occupant under the age of 13 in order for data collector observation of restraint use for all occupants. For motorists who voluntarily participate in a subsequent interview, the data collectors conduct a brief interview with the vehicle driver or other knowledgeable adult to determine the age, height, weight, race/ethnicity of the child occupants and age of the driver. The survey collects data to support estimates of restraint use for all children under 13. The collection includes race/ethnicity breakouts of restraint use among all occupants in a vehicle as well as age, height, and weight of children.

Description of the Need for the Information and Proposed Use of the Information: The NSUBS is conducted to respond to Section 14(i) of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. The Act directs DOT to reduce deaths and injuries among children in the 4- to 8-year old age group that are caused by failure to use a booster seat by twenty-five percent. Conducting the NSUBS provides the Department with invaluable information on use and non-use of booster seats, helping the Department to improve its outreach programs to ensure that children are protected to the greatest extent possible when they ride in motor vehicles. The survey data will allow programs to better reach the caretakers whose children are unrestrained or not using the best restraint choice for their children's sizes. The findings may also

be of interest to State legislatures wanting to strengthen their child restraint laws by enacting mandatory or enhanced booster seat use provisions.

Affected Public: Motorists in passenger vehicles with children under 13 who are approached at gas stations, fast food restaurants, day care centers, and recreation centers frequented by children and asked to participate in the survey.

Estimated Number of Respondents: Based on the average number of respondents from the last three survey years, we estimate that there will be approximately 4,600 respondents (*i.e.,* 4,600 adult motorists in passenger vehicles with children under 13 at gas stations, fast food restaurants, day care centers, and recreation centers who agree to be interviewed for the survey).

Frequency: Biennial.

Estimated Total Annual Burden Hours: NHTSA estimates that each respondent will spend approximately 4.25 minutes providing the required information. A respondent is defined as an adult motorist providing information about the children in their vehicle. Based on this, NHTSA estimates the total burden for 4,600 respondents to be approximately 326 hours. The calculation is as follows:

(4.25 minutes × 4,600 respondents) ÷ 60 minutes/hour = 325.8 hours

Since NSUBS data collection occurs biennially, dividing the total burden hours by two results in an annual burden of 163 hours.

TABLE 1—BURDEN ESTIMATES

Total responses	Estimated burden per response (minutes)	Total burden hours per survey	Total annual responses	Total annual burden hours
4,600	4.25	326	2,300	163

To estimate the value of the respondents' time, NHTSA uses the average hourly wage in the United States, which is estimated to be $31.48.[1] Since wages represent only 61.6 percent of total compensation (according to Bureau of Labor Statistics (BLS) data), the fully loaded hourl compensation is $51.10. Using this figure, NHTSA calculates the total opportunity cost to respondents for each survey to be $16,658.60 (326 hours × $51.10) or $8,329.30 annually.

TABLE 2—OPPORTUNITY COSTS ESTIMATES

Total responses	Estimated burden per response (minutes)	Average hourly opportunity cost	Opportunity cost per response	Total burden hours per survey	Total opportunity cost per survey	Total annual opportunity cost
4,600	4.25	$51.10	$3.62	326	$16,658.60	$8,329.30

Estimated Total Annual Burden Cost: Participation in this study is voluntary and there are no costs to respondents beyond the time spent taking part in the survey.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The PRA of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Chou-Lin Chen,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2025–05666 Filed 4–1–25; 8:45 am]

BILLING CODE 4910–59–P

[1] U.S. Dept. of Labor, Bureau of Labor Statistics, April 3, 2024, from *https://www.bls.gov/oes/current/oes_nat.htm#00-0000* for May 2023.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons generally are prohibited from engaging in transactions with them.

DATES: This action was issued on March 28, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Action

On March 28, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals

1. AL-BAZZAL, Rashid Qasim (Arabic: رشيد قاسم البزال), Toufiqiye, Baalbek, Lebanon; DOB 07 Aug 1994; nationality Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 3722195 (Lebanon); National ID No. 000007607050 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

   Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism," 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, "Modernizing Sanctions To Combat Terrorism," 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. AYYUB, Fatimah 'Abdallah (Arabic: فاطمة عبدالله أيوب) (a.k.a. AYOUB, Fatima Abdallah; a.k.a. AYYOUB, Fatima Abdalla), Second Floor, Hana Building, Mehaniyya Street, Harat Hreik, Lebanon; Knisseh Street, Hijazi Et Issa Building, Harat Hreik, Lebanon; DOB 13 Jul 1983; alt. DOB 28 Apr 1989; POB Baalbek, Lebanon; nationality Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport RL2398766 (Lebanon); National ID No. 3578548 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. AYYUB, Hawra' 'Abdallah (Arabic: حوراء عبدالله أيوب) (a.k.a. AYOUB, Hawraa; a.k.a. KHAFAJA, Hawraa Ayoub), Nabatiyeh, Lebanon; Istanbul, Turkey; Beirut, Lebanon; DOB 07 Aug 1993; POB Beirut, Lebanon; nationality Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport LR0120320 (Lebanon) expires 17 Oct 2021; alt. Passport RL1933427 (Lebanon) expires 04 Dec 2015; National ID No. 000003169112 (Lebanon); alt. National ID No. 3646702 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. KHAFAJA, Jamil Mohamad (Arabic: جميل محمد كفاجه) (a.k.a. KHAFAJA, Jamil; a.k.a. KHAFAJA, Jamil Muhammad; a.k.a. KHAFAJAH, Jamil Mohammed), Aley, Lebanon; Nabatiyeh, Lebanon; DOB 07 Jan 1984; nationality Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Male; Secondary sanctions risk: section 1(b) of Executive

Order 13224, as amended by Executive Order 13886; Passport LR1504942 (Lebanon) expires 22 Jul 2024; National ID No. 000015411369 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

5. MURTADA, Mahasin Mahmud (Arabic: محاسن محمود مرتضى) (a.k.a. MORTADA, Mohasen Mahmoud), Istanbul 34000, Turkey; Beirut, Lebanon; DOB 23 Mar 1971; POB Bent Jbayl, Lebanon; nationality Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport RL2217666 (Lebanon); National ID No. 162928 (Lebanon) (individual) [SDGT] (Linked To: HIZBALLAH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Entities:

1. LEBANESE UNITED GROUP SAL, Ground Floor, Burj al Jazira Building, Tarik El-Jdideh, Malaab Al Baladi, Beirut, Lebanon; Baabda, Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 24 May 2016; Commercial Registry Number 2045634 (Lebanon) [SDGT] (Linked To: AYYUB, Fatimah 'Abdallah; Linked To: MURTADA, Mahasin Mahmud; Linked To: AYYUB, Hawra' 'Abdallah)..

   Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, FATIMAH 'ABDALLAH AYYUB, MAHASIN MAHMUD MURTADA, and HAWRA' 'ABDALLAH AYYUB, persons whose property and interests in property are proposed for concurrent blocking pursuant to E.O. 13224, as amended.

2. RAVEE SARL (a.k.a. RAVEE CO), Property number 7317, Baalbek, Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Type: Non-specialized wholesale trade; Commercial Registry Number 3682619 (Lebanon) issued 11 Aug 2022; alt. Commercial Registry Number 4009185 (Lebanon) issued 23 Jul 2020 [SDGT] (Linked To: HIZBALLAH).

   Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, HIZBALLAH, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. SECUROL GLASS CURTAINS (a.k.a. NEW SECUROL; a.k.a. SECUROL ADVANCED GLAZING CURTAINS), Floor 1, Badr Building, Khalde, Ebbeh, Aley, Lebanon; Tyre, Lebanon; Additional Sanctions Information - Subject to Secondary Sanctions Pursuant to the Hizballah Financial Sanctions Regulations; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 24 Mar 2014; Commercial Registry Number 2037210 (Lebanon) [SDGT] (Linked To: KHAFAJA, Jamil Mohamad).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, JAMIL MUHAMMAD KHAFAJA, a person whose property and interests in property are proposed for concurrent blocking pursuant to E.O. 13224, as amended.

Lawrence M. Scheinert,

Acting Deputy Director, Office of Foreign Assets Control.

[FR Doc. 2025–05653 Filed 4–1–25; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Estate (and Generation-Skipping Transfer) Tax Return and Related Forms

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden related to *United States Estate (and Generation-Skipping Transfer) Tax Return,* and Related Forms.

DATES: Written comments should be received on or before June 2, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–0015—Public Comment Request Notice'' in the Subject line. Requests for additional information or copies of this collection can be directed to Ronald J. Durbala, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Estate (and Generation-Skipping Transfer) Tax Return and Related Forms.

OMB Number: 1545–0015.

Abstract: The executor of a decedent's estate uses Form 706, and related returns, to figure the estate tax imposed by chapter 11 of the Internal Revenue Code. This tax is levied on the entire taxable estate and not just on the share received by a particular beneficiary. Form 706 is also used to figure the generation-skipping transfer (GST) tax imposed by chapter 13 on direct skips (transfers to skip persons of interests in property included in the decedent's gross estate).

Current Actions: IRS is redesigning the *United States Estate (and Generation-Skipping Transfer) Tax Return* and separating the schedule into separate documents. The revision to the forms are not substantively changing the use of the form or the data being collected. In addition, consolidating the series (Forms 706, 706–A, 706–CE, 706–GS(D), 706–GS (D–1), 706–GS (T), 706–NA, and 706–QDT) under one OMB control number (1545–0015).

Currently, there are 29 forms, used by executors pertaining to the decedent's estate tax reporting requirements. These include Forms:

Form No.	Form description
Form 706	This form is to be filed on certain estates of a deceased resident or citizen.
Form 706 Schedule A	If the total gross estate contains any real estate, complete Schedule A.
Form 706 Schedule B	If the total gross estate contains any stocks or bonds, you must complete Schedule B.
Form 706 Schedule C	Complete Schedule C and file it with your return if the total gross estate contains any: Mortgages, Notes, or Cash.
Form 706 Schedule D	If you are required to file Form 706 and there was any insurance on the decedent's life, whether included in the gross estate, you must complete Schedule D.
Form 706 Schedule E	If you are required to file Form 706, complete Schedule E and file it with the return if the decedent owned any joint property at the time of death, whether the decedent's interest is includible in the gross estate.
Form 706 Schedule F	On Schedule F, list all items that must be included in the gross estate that are not reported on any other schedule.
Form 706 Schedule G	Complete Schedule G and file it with the return if the decedent made transfers during the decedent's life.
Form 706 Schedule H	Complete Schedule H and file it with the return if you answered ''Yes'' to question 14 of *Part 4—General Information.*
Form 706 Schedule I	Complete Schedule I and file it with the return if you answered ''Yes'' to question 16 of *Part 4—General Information.*
Form 706 Schedule J	Complete and file Schedule J if you claim a deduction on item 14 of *Part 5—Recapitulation.*
Form 706 Schedule K	You must complete and attach Schedule K if you claimed deductions on either item 15 or item 16 of *Part 5—Recapitulation.*
Form 706 Schedule L	Complete Schedule L and file it with the return if you claim deductions on either item 19 or item 20 of *Part 5—Recapitulation.*

Form No.	Form description
Form 706 Schedule M	You must complete Schedule M and file it with the return if you claim a deduction on item 21 of *Part 5—Recapitulation.*
Form 706 Schedule O	You must complete Schedule O and file it with the return if you claim a deduction on item 22 of *Part 5—Recapitulation.*
Form 706 Schedule P	If you claim a credit on *Part 2—Tax Computation,* line 13, complete Schedule P and file it with the return. Attach Form(s) 706–CE to Form 706 to support any credit you claim.
Form 706 Schedule Q	Complete Schedule Q and file it with the return if you claim a credit on *Part 2—Tax Computation,* line 14.
Form 706 Schedule R	Schedule R is used to figure the generation-skipping transfer (GST) tax that is payable by the estate.
Form 706 Schedule T	The election to value certain farm and closely held business property at its special-use value is made by checking ''Yes'' on Form 706, *Part 3—Elections by the Executor,* line 2. Schedule T is used to report the additional information that must be submitted to support this election.
Form 706 Schedule U	Schedule U covers Qualified Conservation Easement Exclusion elections.
Form 706 Schedule W	This form is used when more space is needed to list more assets or deductions than was available on one of the main schedules.
Form 706 Schedule PC	This form is used by Form 706 filers to file a section 2053 protective claim for refund by estates of decedents who died after December 31, 2011. It will also be used to inform the IRS when the contingency leading to the protective claim for refund is resolved and the refund due the estate is finalized.
Form 706–A	This form is used to report all dispositions or cessations of qualified use under Section 2032A of the Internal Revenue Code.
Form 706–CE	Executors use Form 706–CE as evidence of payment of foreign death taxes, to be allowed a credit for those foreign death taxes on Form 706.
Form 706–GS(D)	Form 706–GS(D) is used by a skip person distributee to calculate and report the tax due on distributions from a trust that are subject to the generation-skipping transfer (GST) tax.
Form 706–GS(D–1)	A trustee uses Form 706–GS(D–1) to report certain distributions from a trust that are subject to the generation-skipping transfer tax and to provide the skip person distributee with information needed to figure the tax due on the distribution.
Form 706–GS(T)	Form 706–GS(T) is used by a trustee to figure and report the tax due from certain trust terminations that are subject to the generation-skipping transfer (GST) tax.
Form 706–NA	Executors for nonresident alien decedents use Form 706–NA to compute estate and generation-skipping transfer (GST) tax liability. The estate tax is imposed on the transfer of the decedent's taxable estate, rather than on the receipt of any part of it.
Form 706–QDT	The trustee/designated filers of qualified domestic trusts use Form 706–QDT to figure and report tax on certain distributions, the value of property on the date of the surviving spouse's death, and the corpus portion of certain annuity payments.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households and Businesses or other for-profit organizations.

Estimated Number of Respondents: 25,037.

Estimated Time per Respondent: 10 hrs. 10 min.

Estimated Total Annual Burden Hours: 254,365.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 27, 2025.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2025–05581 Filed 4–1–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Polyisobutylene

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of filing and request for comments.

SUMMARY: This notice of filing announces that a petition has been filed requesting that polyisobutylene be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

DATES: Written comments and requests for a public hearing must be received on or before June 2, 2025.

ADDRESSES: Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (indicate public docket number IRS–2025–0032 or polyisobutylene) by following the online instructions for submitting

comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Polyisobutylene), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Camille Edwards Bennehoff or Mckenzie Mixon at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022–26 (2022–29 I.R.B. 90), *as modified by* Rev. Proc. 2023–20 (2023–15 I.R.B. 636), requesting that polyisobutylene be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of polyisobutylene to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022–26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*

(1) *Substance name:* Polyisobutylene.

(2) *Petitioner:* TPC Group, Inc., an exporter of polyisobutylene.

(3) *Proposed classification numbers:*

(i) *HTSUS numbers:* 3902.20.10.00 and 3902.20.50.00.

(ii) *Schedule B numbers:* 3902.20.1000 and 3902.20.5000.

(iii) *CAS number:* 9003–27–4.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* February 14, 2025.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* October 1, 2024.

(5) *Description from petition:* According to the petition, polyisobutylene (''PIB'') is a polymer of isobutylene molecules (monomers) that can range in consistency from a viscous-sticky liquid to a rubbery solid depending on how long/large the polymer is. It typically has a single unsaturated double bond per polymer that can be used for further chemistry. When PIB is used in the liquid form, it is largely derivatized for use in lubricant and fuel additive dispersant applications. When PIB is used ''as is'', it can be used as a component in caulks, sealants, adhesives, packaging, greases, and emulsifier formulations.

Polyisobutylene is made from isobutylene, which is an isomer of butylene—a taxable chemical. Taxable chemicals constitute 100.00 percent by weight of the materials used to produce this substance.

(6) *Process identified in petition as predominant method of production of substance:* The predominant method of production is the cationic polymerization of isobutylene monomers. A Lewis acid catalyst and proton donating initiator are used to generate a stable cation on the tertiary carbon of isobutylene. This cation induces a chain growth polymerization that continues to transfer the cation to the end of the polymer chain making it available for further incorporation of isobutylene monomer. The size of the polymer is dictated by the reaction temperature such that the lower the temperature the larger the polymer.

(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*

$$n\ C_4H_8\ \text{(Isobutylene)} \rightarrow (C_4H_8)_n\ \text{(Polyisobutylene)}$$

(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* $9.74 per ton.

(ii) *Conversion factors:* 1.00 butylene.

(9) *Public docket number:* IRS–2025–0032.

Michael Beker,

Senior Counsel (Energy, Credits, and Excise Tax), IRS Office of Chief Counsel.

[FR Doc. 2025–05634 Filed 4–1–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Renewal of the Treasury Borrowing Advisory Committee

ACTION: Notice of renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, with the concurrence of the General Services Administration, the Secretary of the Treasury is renewing the Treasury Borrowing Advisory Committee (the ''Committee'').

FOR FURTHER INFORMATION CONTACT: Fred Pietrangeli, Director, Office of Debt Management (202) 622–1876.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide informed advice as representatives of the financial community to the Secretary of the Treasury and Treasury staff, upon the Secretary of the Treasury's request, in carrying out Treasury responsibilities for Federal financing and public debt management. The Committee meets to consider and provide advice on special items pertaining to immediate Treasury funding requirements and longer-term approaches to manage the national debt in a cost-effective manner. The Committee usually meets immediately before Treasury announces each quarter's funding operation, although special meetings also may be held. Membership consists of approximately 15 to 20 representative or special government employee members who are appointed by Treasury. The members are senior-level officials who are employed by primary dealers, institutional investors, and other major participants in the government securities and financial markets as well as recognized experts in the fields of economics and finance, financial market analysis, or financial institutions and markets.

The Treasury Department transmitted copies of the Committee's renewal charter to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Financial Services in Congress on or about March 27, 2025.

Dated: March 28, 2025.

Frederick E. Pietrangeli,

Director of the Office of Debt Management.

[FR Doc. 2025–05688 Filed 4–1–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Comments in Aid of Analyses of the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Request for comment.

SUMMARY: The Terrorism Risk Insurance Act of 2002 (TRIA) created the Terrorism Risk Insurance Program

(Program) to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events. The Secretary of the Treasury (Secretary) administers the Program, with the assistance of the Federal Insurance Office (FIO). Treasury requests comments from interested parties regarding the issues that FIO will be analyzing in connection with its upcoming study related to the participation of small insurers in the Program, including any competitive challenges such insurers face in the terrorism risk insurance marketplace.

DATES: Submit comments on or before May 19, 2025.

ADDRESSES: Submit comments electronically through the Federal eRulemaking Portal: *https://www.regulations.gov,* or by mail to the Federal Insurance Office, Attn: Richard Ifft, Room 1410 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Because postal mail may be subject to processing delays, it is recommended that comments be submitted electronically. If submitting comments by mail, please submit an original version with two copies. Comments should be captioned with ''2025 TRIA Small Insurer Study Comments.'' Please include your name, group affiliation, address, email address, and telephone number(s) in your comment. Where appropriate, a comment should include a short Executive Summary (no more than five single-spaced pages).

FOR FURTHER INFORMATION CONTACT: Richard Ifft, Lead Management and Senior Insurance Policy Analyst, Terrorism Risk Insurance Program, Room 1410 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, at (202) 622–2922 (not a toll-free number), or Theodore Newman, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, at (202) 622–1748 (not a toll-free number). Persons who have difficulty hearing or speaking may access these numbers via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 104(h) of TRIA [1] directs the Secretary, beginning in calendar year 2016, to ''require insurers participating in the Program to submit to the Secretary such information regarding insurance coverage for terrorism losses of such insurers as the Secretary considers appropriate to analyze the effectiveness of the Program[.]'' This information and data includes information regarding: (1) lines of insurance with exposure to such losses; (2) premiums earned on such coverage; (3) geographical location of exposures; (4) pricing of such coverage; (5) the take-up rate for such coverage; (6) the amount of private reinsurance for acts of terrorism purchased; and (7) such other matters as the Secretary considers appropriate. In addition, Section 108(h) of TRIA requires the Secretary to conduct, by June 30, 2017, and every other year thereafter, a study of small insurers (to be defined by the Secretary, as has been done under 31 CFR 50.4(z)) participating in the Program to identify any competitive challenges that small insurers face in the terrorism risk insurance marketplace. Section 108(h) also identifies specific matters that Treasury is to analyze in the small insurers study. In addition to the data that Treasury has previously collected and will be collecting in the future, Treasury seeks comments from the public for use in the study that Treasury must conduct concerning the participation of small insurers in the Program.

II. Solicitation for Comments on Small Insurer Participation in the Program

As discussed above, Treasury will be collecting certain data from small insurers as part of its 2025 TRIP Data Call, which Treasury will use (along with data collected by Treasury during prior TRIP Data Calls) in connection with the study. Treasury welcomes comments concerning small insurer participation in the Program generally and invites responses to the following particular issues specified in section 108(h) of TRIA: (1) Changes to the market share, premium volume, and policyholder surplus of small insurers relative to large insurers; (2) How the property and casualty insurance market for terrorism risk differs between small and large insurers, and whether such a difference exists within other perils; (3) The impact of the Program's mandatory availability requirement under section 103(c) of TRIA on small insurers; (4) The effect of increasing the trigger amount for the Program under section 103(e)(1)(B) of TRIA for small insurers; (5) The availability and cost of private reinsurance for small insurers; and (6) The impact that State workers' compensation laws have on small insurers and workers' compensation carriers in the terrorism risk insurance marketplace.

In addition, Treasury welcomes qualitative and quantitative comments on the following additional topics that may be relevant to the competitiveness of small insurers in the terrorism risk insurance marketplace.

(1) Any potential constraints or market effects on the ability of small insurers to provide coverage for nuclear, chemical, biological, and radiological (NBCR) risks.

(2) Any risk management strategies and challenges faced by small insurers in maintaining the ability to pay losses associated with insured claims that are not subject to claims for the Federal share of compensation (*e.g.,* losses below the Program Trigger, within the insurer deductible, and within the insurer co-pay share).

(3) The effects, if any, of the 2019 reauthorization of the Program until December 31, 2027, on small insurer participation in the terrorism risk insurance marketplace in light of the sharing mechanisms in place as of Calendar Year 2020.[2]

(4) The role of small insurers in covering cyber-related acts of terrorism under the Program, including any relevant developments in the cyber insurance market.

(5) The role of small insurers in covering terrorism risk under the Program for Places of Worship.[3]

(6) The use of risk modeling techniques and other analytical tools by small insurers to assess their risk exposure to losses within the scope of the Program.

Treasury issued its first four studies of small insurers under TRIA in June

[1] Public Law 107–297, 116 Stat. 2322, codified at 15 U.S.C. 6701, note. As the provisions of TRIA (as amended) appear in a note, instead of particular sections, of the United States Code, the provisions of TRIA are identified by the sections of the law.

[2] *See* Terrorism Risk Insurance Program Reauthorization Act of 2019, Public Law 116–94, 133 Stat. 2534.

[3] As defined in Treasury's TRIP Data Calls. *See, e.g.,* Instructions for Terrorism Risk Insurance Program (TRIP) 2024 Data Call Small Insurers at 22, located at *https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/terrorism-risk-insurance-program/annual-data-collection.*

2017,[4] June 2019,[5] June 2021,[6] and June 2023.[7] In those studies, Treasury addressed the statutory issues identified above, with reference to data collected by Treasury in the TRIP Data Calls, as well as other available sources. Treasury requests further comment on these issues from interested parties, particularly with respect to any issue that an interested party believes may not be fully evident solely by reference to the aggregated data collected by Treasury.

Steven E. Seitz,

Director, Federal Insurance Office.

[FR Doc. 2025–05580 Filed 4–1–25; 8:45 am]

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[4] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2017), *https://home.treasury.gov/system/files/311/Study_of_Small_Insurer_Competitiveness_in_the_Terrorism_Risk_Insurance_Marketplace_%28June_2017%29.pdf.*

[5] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2019), *https://home.treasury.gov/system/files/311/2019_TRIP_SmallInsurer_Report.pdf.*

[6] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2021), *https://home.treasury.gov/system/files/311/2021TRIPSmallInsurer ReportJune2021.pdf.*

[7] U.S. Treasury, Study of Small Insurer Competitiveness in the Terrorism Risk Insurance Marketplace (June 2023), *https://home.treasury.gov/system/files/311/2023%20TRIP%20Small%20 Insurer%20Report%20FINAL.pdf.*

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Part II

Advisory Council on Historic Preservation

Program Comment on Certain Housing, Building, and Transportation Undertakings; Notice

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Program Comment on Certain Housing, Building, and Transportation Undertakings

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of approval.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) has approved a program comment that provides all federal agencies with an alternative way to review effects to historic properties for certain housing-related, building-related, and transportation infrastructure-related undertakings.

DATES: The Program Comment went into effect on December 20, 2024.

FOR FURTHER INFORMATION CONTACT: Jaime Loichinger, (202) 517–0219, *jloichinger@achp.gov.*

SUPPLEMENTARY INFORMATION: Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (Section 106 and NHPA), requires federal agencies to consider the effects of projects they carry out, license/permit/approve, or assist (undertakings) on historic properties, and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800 (Section 106 regulations).

Under Section 800.14(e) of those regulations, agencies can request the ACHP to provide a ''program comment'' on a particular category of undertakings in lieu of conducting individual reviews of each individual undertaking under such category, as set forth in 36 CFR 800.4 through 800.7. An agency can meet its Section 106 responsibilities with regard to the effects of those undertakings by taking into account an applicable program comment and following the steps set forth in that comment. The ACHP may also provide a program comment on its own initiative.

The ACHP developed the ''Program Comment on Certain Housing, Building, and Transportation Undertakings'' (Program Comment) on its own initiative to promote actions that advance historic preservation goals, including the reuse of historic materials and buildings and the upgrading of infrastructure in historic neighborhoods. On December 20, 2024, the ACHP approved the Program Comment, the text of which is reproduced at the end of this notice.

I. Background

The ACHP developed the Program Comment to harmonize policies and procedures for the preservation of the nation's historic places with other efforts designed to produce and rehabilitate affordable, accessible, energy-efficient, and hazard-free housing; to reduce energy use and associated costs, improve resilience against natural hazards; and improve access to transportation. These needs have received attention from Congress, as well as state, local, and Tribal governments and private parties.

II. Program Comment Summary

The Program Comment is national in scope and can be used by any federal agency that elects to utilize it, after notifying the ACHP and others of its intent to do so. The Program Comment does not supersede, replace, or change the terms of existing Section 106 memoranda of agreement or programmatic agreements, or other program comments. Additionally, the Program Comment cannot be used in a variety of circumstances, including in situations in which the federal agency knows or has reason to believe there may be any likelihood of encountering historic properties in which an Indian Tribe or Native Hawaiian Organization may have an interest, and undertakings that would occur on or have the potential to affect a number of National Park Service units and sites of religious and cultural significance to Indian Tribes and Native Hawaiian Organizations. In addition, the Program Comment can only be used on Tribal lands if the Indian Tribe provides explicit written consent for its application.

Appendices A and B provide a detailed list of undertakings covered by the Program Comment.

Appendix A provides a list of undertakings not requiring further review, including the following:

- Maintenance or repair of certain site work-related elements, building elements and systems, building equipment, building interior features, and transportation fixtures and equipment;
- Certain landscaping activities;
- Installation of certain temporary structures;
- Certain boring, drilling, and testing activities;
- Abatement of hazardous materials on the exterior or interior of a building, where such abatement does not cause ground disturbance and/or is not visible from the building exterior and/or interior; and
- In-kind replacement or installation of certain above-ground elements.

Appendix B provides a list of undertakings that can proceed without further Section 106 review after the satisfaction of certain conditions, exclusions, or requirements, including federal agencies making one (or more) of seven distinct determinations that require consideration of the impact of a proposed undertaking on historic properties. These undertakings include the following:

- Replacement, installation, or removal of certain site work-related items, building elements and systems, building equipment, building interior features, and transportation fixtures and equipment;
- Planting trees under certain conditions;
- Certain boring, drilling, and testing activities; and
- Abatement of hazardous materials on the exterior or interior of a building, where such abatement may cause ground disturbance and/or is visible from the building exterior and/or interior.

The Program Comment requires consultation with Indian Tribes and Native Hawaiian Organizations, recommends financial assistance to certain consulting parties conducting activities beyond the scope of their obligations under Section 106, establishes a process for unanticipated discoveries, promotes the inclusion of Indigenous Knowledge, and includes a provision on confidentiality. As noted above, the Program Comment also explicitly excludes any undertakings that have the potential to affect sites of religious and cultural significance to Indian Tribes or Native Hawaiian Organizations and any situations in which the federal agency knows or believes that there is likelihood of encountering such historic properties, and requires such undertakings be subject to other existing Section 106 agreements or the full Section 106 review process. The Program Comment offers a dispute resolution procedure that requires the involvement and notification of specific consulting parties.

The Program Comment provides specific requirements for annual federal agency reports, annual ACHP reports, annual ACHP-led meetings, and ACHP training. The Program Comment will last for an initial period of 10 years, with the ACHP chairman having the ability to extend its duration one time by an additional 5 years, and thereafter

will either terminate due to the passage of time or be extended or amended by the ACHP membership. In addition, the ACHP membership may withdraw the Program Comment at any time.

III. ACHP Consultation Summary

In May 2024, the ACHP Regulations and Governance Committee met to discuss the concept of initiating program comments to fulfill the goals of its 2023 Policy Statements. Also in May, the ACHP released a 60-day open call for public comment and invited Indian Tribes and Native Hawaiian Organizations to provide feedback on potential topics for a program comment or comments. A detailed list of proposed activities that might be appropriate was provided to illustrate the range of potential topics and to guide feedback. In June 2024, the ACHP hosted four public listening sessions, with approximately 100 attendees at each session. Two additional sessions were available specifically for Indian Tribes and Native Hawaiian Organizations, which had no attendees. In addition to the listening sessions, the ACHP received written comments from State Historic Preservation Officers (SHPOs), transportation advocates, representatives of city governments, and economic development professionals that covered a range of concerns and topics, including specific undertakings that should and should not be included in the program comments.

In July 2024, the ACHP Regulations and Governance Committee met again to discuss the development of proposed program comments. On July 18, 2024, the ACHP discussed feedback and solicited additional ACHP member input at its triannual business meeting. Through those meetings and other internal staff and member discussions, several proposed activities to be covered by the program comments listed in the public prompt for the May–July feedback period were removed from consideration, including highway removal, transmission, large-scale solar, and offshore wind activities. Other potential topics were refined. On August 1, 2024, the ACHP chair called a meeting of the ACHP members to discuss this feedback and next steps. The ACHP members and staff coalesced around the notion that issuing four separate program comments for feedback from consulting parties and the public would be repetitive and burdensome to consulting parties and potentially introduce inconsistencies in the review strategy for similar undertakings. Instead, the ACHP members and staff urged the ACHP to propose a single, unified program comment.

On August 8, 2024, the ACHP released the first draft of the Program Comment, combining the proposed covered activities within one Program Comment and providing a 60-day period for public feedback and consultation with Indian Tribes, Native Hawaiian Organizations, and other consulting parties. Prior to the release of the first draft, the ACHP developed, and later implemented, a plan to consult with Indian Tribes and Native Hawaiian Organizations in accordance with 36 CFR 800.14(e)(4) and 800.14(f) and various applicable executive orders. The ACHP also arranged for public participation by scheduling two public meetings, inviting written feedback, and arranging for the ACHP chair to present at a number of additional meetings as well as consultation with SHPOs and Tribal Historic Preservation Officers (THPOs) by scheduling two consultation meetings and inviting written feedback.

In September 2024, the ACHP hosted six consultation meetings/listening sessions (two with Indian Tribes and Native Hawaiian Organizations, one with SHPOs, one with Federal Preservation Officers, and two for other consulting parties and the general public), with 341 total attendees across the six sessions. The ACHP chair also convened government-to-government consultation meetings with three Indian Tribes that requested such consultation. During this first comment period, 148 written comments (including seven from Indian Tribes) were received, encompassing approximately 1,800 individual comments, with the largest number of specific comments (approximately 750) related to the six appendices. The comment period closed on October 9, 2024.

Throughout and after this first comment period, the ACHP members continued to meet to discuss feedback as it was received and after the comment period closed. On August 19, 2024, the ACHP chair called a meeting of the ACHP Ad Hoc ACHP-Initiated Program Alternatives Forum Committee (the Ad Hoc Committee) to enable members of that committee to discuss the contents of the first draft and the process for the Program Comment's development, and to allow the Ad Hoc Committee members to raise questions and offer ideas on improving the Program Comment. Additional meetings of the Ad Hoc Committee took place on September 5, October 17, and October 24, 2024. On September 18, 2024, and November 14, 2024, the ACHP Regulations and Governance Committee convened to discuss the development of the Program Comment, and the full ACHP membership received an update on the progress regarding the Program Comment at the November 19, 2024, ACHP business meeting.

On November 15, 2024, the ACHP shared a revised draft of the Program Comment and opened a second, 30-day period for public feedback and consultation with Indian Tribes, Native Hawaiian Organizations, SHPOs, and other consulting parties. In December, the ACHP hosted four consultation meetings/listening sessions (one each with Indian Tribes and Native Hawaiian Organizations, SHPOs, Federal Preservation Officers, and other consulting parties and the general public), with 171 total attendees across the four sessions. The ACHP chair also convened a government-to-government consultation meeting with one Indian Tribe that requested such consultation. During that period, 48 written comments (including four from Indian Tribes) were received, encompassing nearly 700 individual comments, with the largest number of specific comments (approximately 250) related to Appendix A and Appendix B. The comment period closed on December 15, 2024.

On December 17, 2024, the ACHP chair convened an Ad Hoc Committee meeting to discuss comments and feedback received and to provide an overview about how the ACHP could revise the second draft of the Program Comment to respond to such comments and feedback. ACHP members discussed a variety of issues related to the scope of covered undertakings, certain process-related provisions, and certain definitions and requirements.

IV. Comments and ACHP Response

As described above, in addition to earlier opportunities for review and comment on the concept and proposal for a program comment, the ACHP provided two review and comment periods on the draft Program Comment, ending in October 2024 and December 2024. In the October review and comment period, 148 total written comments were received (seven from federal agencies, 37 from SHPOs, eight from Tribes, 13 from local/state governments, 53 from industry/other, and 30 from the public). In the December review and comment period, 48 total written comments were received (six from federal agencies, 20 from SHPOs, four from Tribes, 13 from industry/other, and five from the public). The following summaries are intended to provide a general overview of the comments that were received on the draft Program Comment. They are

organized by section, although the comments from Indian Tribes are included within a separate summary in recognition of the government-to-government relationship between Indian Tribes and the ACHP.

October 2024 Comment Period for Initial Draft Program Comment

Comments from Indian Tribes: Generally, the Tribal comments opposed the draft Program Comment and asked for early and meaningful consultation in the process. Tribal commenters were concerned that the Program Comment would be likely to result in potentially significant harm to sites of religious and cultural significance to Indian Tribes and Native Hawaiian Organizations. Tribal commenters stated this likelihood was due to the breadth of activities and federal agencies proposed to be covered in the Program Comment and its potential to allow federal agencies to predetermine that covered activities are not likely to affect sites of religious and Tribal significance on their own. Tribal commenters stated that the Program Comment as written would allow a federal agency to decide to use the Program Comment instead of using previously negotiated agreements that are specific to various situations, programs, and undertakings. Additionally, Tribal commenters expressed concern about the inclusion of ground disturbance in activities described in the appendices and asked that ground disturbing activities be removed from the appendices. Generally, Tribal commenters identified the importance of removing references to ''previously disturbed ground'' and ''previously disturbed rights of way,'' as they disagreed with a general assumption that previously disturbed areas have a reduced likelihood of possessing or intersecting with sites of religious and cultural significance to Indian Tribes or sacred sites.

Comments on Approach: Commenters generally supported the intent of the Program Comment. Several commenters supported the efforts to streamline the Section 106 process; however, many commenters questioned whether a program comment was the appropriate tool for streamlining, given the breadth and scope of covered undertakings. Commenters noted that the most effective program alternatives are focused on specific resource types, repetitive project or program types, and specific responsible agencies and professionals. Some commenters asked for additional data to support the need for the proposed Program Comment, asserting that the data would help demonstrate the need to address ongoing compliance and timing issues related to Section 106 reviews for the covered undertakings. Some commenters emphasized that the Program Comment, as currently drafted, was difficult to understand and would potentially result in delays and confusion due to the large number of undertakings to be included and the level of detail and requirements to be met. Numerous commenters requested additional consultation on the concept of a program comment, as well as a dialogue on the issues that were being encountered in Section 106 that the Program Comment was meant to address.

Role of SHPO: Commenters questioned the role of SHPOs in the proposed Program Comment and raised concern about removing or diminishing the involvement of SHPOs in the review process.

Training: Commenters requested that the ACHP consider whether broader Section 106 training would achieve the Program Comment's same goals. Commenters also noted that if adopted, the Program Comment would require the development of extensive guidance and training.

Format: Many commenters noted the length of the draft Program Comment and the complexity of the overall document, including definitions and cross references, as a potential concern for its implementation, should it be adopted.

Comments on Section I (Introduction): Overall comments on this section requested renaming the Program Comment to reflect the undertakings it would cover, rather than policy goals.

Background: Several commenters suggested reframing the background to emphasize the ACHP's mission of promoting the preservation and sustainable use of historic properties, and how the Program Comment would promote preservation as an outcome. Other commenters requested the removal of transportation-sector undertakings due to coverage within existing Section 106 programmatic agreements and the different types of effects those undertakings create compared to housing and building undertakings.

Prior ACHP Action: Commenters requested additional data to support the rationale for the proposed Program Comment and the successes of past program alternatives.

Goals: Commenters supported the Program Comment's broad goals for streamlining and efficiency and the need for finding a way of making it easier to create needed housing. Other commenters emphasized that those goals should be balanced with historic preservation values.

Comments on Section II (Scope): Most commenters on this section asked how the proposed Program Comment would address the issue of delegation to applicants or permittees.

Overall Effect: Commenters noted the potential conflation with this section's use of ''effect'' and the Section 106 regulations' definition of ''effect.'' Other commenters noted that because of the Program Comment's proposed breadth and scope, it would be difficult to track its use and ensure that effects to historic properties would be avoided. Several commenters observed that the Program Comment appeared to acknowledge that minimal adverse effects may occur, with no further discussion of mitigation or resolution of adverse effects. Some commenters noted that the Program Comment assumed adequate or appropriate identification efforts would have already been completed, which may not always be the case. The potential for effects to archaeological sites and Traditional Cultural Properties (TCPs) were also noted in comments. Some commenters questioned the provision allowing for use of the proposed Program Comment for components of larger undertakings and noted potential concerns with the segmentation of undertakings.

Effect on Other Applicable Laws: Commenters on this section questioned whether the proposed Program Comment would conflict with local processes in addition to state laws that often require SHPO review, and whether it would achieve meaningful efficiencies without other streamlining efforts, for example, under the National Environmental Policy Act. Several commenters also noted the potential conflicts with the requirements of the federal rehabilitation tax credit standards.

Effect on Existing Agreements: Commenters noted that the proposed Program Comment should not supersede existing Section 106 agreements without consultation by the federal agency and the agreement of the signatories, at a minimum. Commenters also raised questions regarding disputes, asking whether the Program Comment's dispute resolution stipulation could be used if a signatory objected to the use of the Program Comment. Commenters also raised concerns about opportunities for Tribal involvement in amending existing agreements or resolving disputes.

Effect on Tribal Lands: Commenters questioned whether program comments could ever apply on Tribal lands. One commenter noted the need to clarify

where any Tribal authorizations would be posted.

Standard Section 106 Review: Commenters noted that a perceived piecemeal application of the Program Comment to components of an undertaking could result in segmentation or an incomplete consideration of an undertaking's effects on historic properties. Other commenters noted that without consultation a federal agency would not know if a property of religious and cultural significance could be affected by a covered undertaking, thereby raising questions as to whether the Program Comment could be utilized.

Comments on Section III (Alternative Compliance Approaches): Commenters raised concerns with the proposed elimination of consultation with the SHPO, Indian Tribes, THPOs, consulting parties, and the public. Others questioned the meaning of ''minimal potential to affect historic properties.'' Commenters also questioned how federal agencies would determine which appendix would be followed. Some commenters also asked how federal agencies would document their compliance with the Program Comment's various conditions, and how that documentation could or would be shared.

Consultation with Indian Tribes and Native Hawaiian Organizations: Commenters asked for further clarity on consultation with Indian Tribes and Native Hawaiian Organizations, as they perceived it to be limited to consultation on the use of the Program Comment, rather than consulting on effects to properties of religious and cultural significance to Indian Tribes and Native Hawaiian Organizations.

Use of Qualified Authorities: Many commenters asked whether the definition of ''qualified authorities'' was needed, given its similarity to ''qualified professional.'' Commenters also noted that the inclusion of qualified professionals should be a requirement to use the Program Comment. Other commenters questioned who would be considered a qualified authority, who was making decisions regarding who met that threshold, how ''appropriate to the circumstances'' would be determined, and what constituted ''reasonable judgment.''

Determinations of Eligibility: Commenters asked how federal agencies would be able to reasonably determine that there is minimal potential to affect a property without understanding whether a property was eligible for the National Register of Historic Places. Commenters also questioned the identification of unknown historic properties and whether the reliance on existing data would be sufficient for identifying significant properties. Commenters observed that determinations of eligibility were not required, but activities in the appendices were limited to primary facades and primary rights-of-way. Commenters requested clarification on who would be making those determinations.

Comments on Section IV (Assistance to Consulting Parties): Commenters questioned the relevancy of this section within the Program Comment given that the compliance approaches established by this Program Comment would largely eliminate consultation. Further, commenters questioned the applicability of stipulations related to mitigation within a compliance approach designed to avoid adverse effects.

Comments on Section V (Unanticipated Discoveries): Commenters stated that the alternative compliance approaches established by this Program Comment would increase the likelihood of unanticipated discoveries due to the lack of adequate consultation, lack of adequate identification, and overreliance on assumptions regarding previously disturbed soils.

Discovery of Human Remains, Funerary Objects, Sacred Objects, or Items of Cultural Patrimony: Commenters recommended the Program Comment reference 36 CFR 800.13 and include a stronger reference to state and local laws. Further, commenters questioned the adequacy of the proposed 50-foot perimeter/buffer zone for discoveries.

Comments on Section VI (Dispute Resolution): Commenters focused on the challenge of filing a dispute regarding the implementation of the Program Comment without notification to consulting parties of the federal agency's decision to utilize the Program Comment or a comprehensive report of the agency's use of the Program Comment. Further, commenters noted that a federal agency should be required to forward unresolved disputes to the ACHP for its advisory opinion.

Comments on Section VII (Duration): Commenters considered the duration too long and made recommendations primarily ranging from five to 10 years as an appropriate duration.

Comments on Section VIII (Amendments): Commenters recommended requiring consultation for amendments and defining the term ''other parties'' used in this section.

Comments on Section IX (Withdrawal): Commenters noted the need for SHPOs and Indian Tribes to be made aware of the Program Comment's withdrawal. Commenters stated that publication in the **Federal Register** alone would likely not be sufficient for formal notification to all consulting parties.

Comments on Section X (Reports and Meetings): Commenters requested metrics and data rather than examples so that the ACHP could meaningfully analyze the Program Comment's usage. Other commenters shared concerns with the lack of reporting after five years, raising questions of transparency and accountability. Commenters stated that reports should be shared with SHPOs and THPOs in addition to the ACHP and that report due dates should track the federal fiscal cycle, with a due date after the fiscal year closes. Commenters mentioned that the public should be afforded a meeting. Commenters stated that the ACHP members and preservation organizations should also be invited to participate in the annual meetings, which should occur for the duration of the Program Comment.

Comments on Section XI (Definitions): Comments in this section fit into one of three categories: standardization, where commenters state that the Program Comment has a conflicting definition with other guidance or regulations; definition content, to include additional detail or provide suggested revisions; or additional terms, for definitions that should be added. Some commenters disagreed with how terms such as ''qualified authority'' or ''previously disturbed soil'' were defined.

General Comments on the Appendices: General comments throughout the appendices noted concern regarding the use of the phrase ''minimal adverse effect'' and the lack of any mitigation discussion. Comments were also submitted regarding the potential for effects to ''character-defining features'' within buildings. Several commenters raised questions regarding the clarity and/or the organization of excluded activities, because they found it unclear which conditions must be met. Commenters questioned how an agency would differentiate between different categories of undertakings to determine which appendix applied. Some commenters noted the need for consultation with SHPOs and THPOs to be able to make determinations about whether an activity should be excluded, and potential conflicts with other existing program alternatives and Section 106 agreements. Most other comments related to a property's eligibility for listing on the National Register of Historic Places, with

commenters raising questions regarding the 45-year age of a building as the cutoff date and whether these modifications may render the property ineligible for federal rehabilitation tax credits in the future. Commenters also noted the extent of ground disturbance as a general concept in the appendices, with questions regarding the need for an archaeologist and the use of previously disturbed soil as a threshold.

Comments on Appendix A: Commenters requested that the activities to be listed in this appendix pose no potential to cause effects to historic properties even if historic properties are present and that they would require minimal value judgments to determine applicability. Commenters pointed to the challenge of conducting the balancing tests that would be required to apply the provisions of this appendix, especially without input from consulting parties. Other commenters supported the allowance for certain activities without triggering Section 106. Commenters requested clarification on the phrase ''minimal adverse effects,'' raising concerns that without clear parameters and consultation the term could be misapplied or abused and may result in disputes over the Program Comment's applicability. Commenters requested clarification on the meaning of ''adjacent to'' for when an activity would be ''conducted in areas adjacent to or on the same lot as housing.'' Concerns were raised over identifying and impacting charactering-defining features, and potential effects to historic districts, landscapes, and archaeological resources.

Comments on Appendix B: Commenters questioned the applicability of the listed activities to the stated goals. Other commenters highlighted the overlap between Appendix A and Appendix B by noting that their comments apply to both appendices. Some commenters expressed concern with treating all buildings the same, rather than as separate categories. Commenters raised concerns about the potential subjectivity of federal agencies, pointing to the perceived lack of clarity about who qualifies as a qualified authority/professional and the absence of SHPO/THPO and local involvement in eligibility determinations. Commenters also highlighted a need for comprehensive understanding of environmental impacts of buildings and prioritization of materials with low or no embodied carbon. Commenters also raised concerns about potential effects to archaeological resources, and impacts to historic districts and landscapes.

Comments on Appendix C: Multiple comments on this appendix requested that it be removed from the Program Comment. Commenters raised concerns with the potential overbroad scope of the Program Comment, believing that the nature of the activities covered in this appendix was controversial, that the risk of inadvertent discoveries and adverse effects to archaeological resources was increased, that clarity was needed about who would qualify as a qualified authority/professional, and that the listed activities were already covered by other tailored Section 106 programmatic agreements and memoranda of agreement. Commenters were also concerned about potential effects to historic districts and landscapes, as well as to individual historic properties such as bridges, roads, sidewalks, and curbs. Commenters in support of the inclusion of this appendix pointed to the provisions for public transportation (rail and bus transport) and requested that those provisions be further expanded.

December 2024 Comment Period for Revised Draft Program Comment

Comments from Tribes: In addition to verbal comments received during the December 10, 2024, consultation meeting/listening session with Tribes, THPOs, and Native Hawaiian Organizations, the ACHP received three letters from Tribes about the revised Program Comment. The ACHP also received detailed verbal comments from one Tribe on December 16, 2024. The ACHP did not receive comments from Native Hawaiian Organizations. Several Tribal commenters appreciated the ACHP's effort to address their concerns in the revised Program Comment. Other Tribal commenters stated that remaining ambiguities in the revised draft meant that the Program Comment might not be effective and might not fully protect Tribal cultural resources and the remains of Tribal Ancestors. Tribal commenters expressed opposition to the Program Comment as written and requested that the ACHP either significantly revise the draft Program Comment or abandon it altogether. Tribal commenters communicated that the Program Comment was likely to result in potentially significant harm to sites of religious and cultural significance to Tribes. Tribal commenters also asserted that program comments in general infringe on Tribal sovereignty and undermine the federal government's Trust responsibility to the Tribes. One Tribal commenter advised the ACHP that streamlining is best achieved by encouraging federal agencies to learn the Section 106 process and establish long-term relationships with Tribes and other stakeholders.

Tribal commenters expressed concerns with the ACHP's development of the Program Comment, flagging the need for the ACHP to meaningfully and systematically consult early in and throughout the process to ensure Tribal input is appropriately considered. Several Tribal commenters emphasized that the abbreviated comment period on the revised draft of the Program Comment did not give adequate time to review and provide in-depth, meaningful comments.

Generally, Tribal commenters expressed concerns about the existence of a predetermined stop-work buffer for unanticipated discoveries and continued to dispute the provisions regarding ground disturbing activities. One Tribal commenter emphasized the importance of prioritizing the Native American Graves Protection and Repatriation Act (NAGPRA) in any discussion regarding the treatment of Native American human remains and cultural items. This Tribal commenter requested that the Program Comment include language deferring to existing agreements between federal agencies and Indian Tribes that have created more appropriate buffers for work stoppages and avoidance areas during discoveries. While several Tribal commenters appreciated the improved definitions and clarification, they continued to reject the lack of further Section 106 consideration for ground disturbing activities. These Tribal commenters asked that ground disturbing activities be removed from the appendices citing concerns about potential harm. Several of the Tribal commenters indicated that previous disturbance does not necessarily result in a property losing its cultural or historical significance, and adequate consultation must occur to engage in a good faith effort to avoid effects to these sites, artifacts, and human remains, regardless of previous disturbance. The Tribal commenters voiced concern that such consultation may not occur if the Program Comment is implemented.

Tribal commenters stated that while the Program Comment requires further Tribal consultation, there are components of the consultation process that are still unclear. They stated that the Program Comment attempts to kick out to the standard Section 106 process any undertakings that would affect sites of religious and cultural significance to Tribes; however, it remained unclear to the Tribal commenters how federal agencies would know if a site was of religious and cultural significance to a

Tribe without Tribal consultation. One Tribal commenter requested more specific Tribal consultation procedures and that a greater reliance on THPOs be included in the Program Comment, both to assist agencies in evaluating Tribal interests in a particular undertaking and in making required written determinations that a proposed undertaking could result in an effect on a historic property with religious and cultural significance to a Tribe.

Comments on Approach: Commenters generally recognized and appreciated the ACHP's efforts to address concerns raised during the first written comment period. Commenters supported changes in the revised draft that helped resolve concerns with how the Program Comment would affect existing Section 106 agreements and program alternatives, the need for greater SHPO/THPO involvement, the role of qualified professionals, and the identification and evaluation of historic properties. Several commenters expressed concern with the consultation process undertaken to develop the Program Comment. These commenters underscored that the second comment period was shorter than the first comment period, with a more limited number of consultation meetings. Commenters emphasized the need for continued consultation with SHPOs/THPOs, Indian Tribes, and other stakeholders. Some commenters asked again for additional data to support the need for the Program Comment based on Section 106 implementation challenges, encouraging the ACHP to focus its efforts on gathering data necessary to pinpoint precisely why Section 106 review may not be occurring in an expeditious manner for certain project types. Several commenters noted that many of the purported issues with efficiency could be resolved through proper funding and staffing for SHPOs/THPOs, as well as increased training and education for federal agencies, delegated authorities, and pass-through entities. Commenters pointed to concerns that the lack of consultation with SHPOs/THPOs and the public could slow down the Section 106 process and lead to more negative outcomes and delays.

Use of a Program Comment: While commenters generally supported efforts to tailor the Section 106 process, many expressed continued concern with whether a program comment was the appropriate tool, given the breadth and scope of the covered undertakings. These commenters continued to note a preference for programmatic agreements (including nationwide and prototype), which could be more closely tailored to specific states and localities. Commenters continued to cite the ACHP's guidance on program alternatives, noting that most effective program alternatives are customized to specific resource types, repetitive project or program types, and specific federal agencies.

Clarity: Commenters noted that the revisions clearly sought to resolve concerns with the general organization, clarity, and complexity of the prior draft. Commenters appreciated that the appendices had been further refined and consolidated and that the revised draft clarified the Program Comment's application. Some commenters continued to raise concerns that the Program Comment, as revised, was still difficult to understand and would potentially result in delays and confusion due to the large number of undertakings to be included and the level of detail and requirements to be met.

Legality of a Program Comment: Commenters stated that the Program Comment would be a departure from previously issued program comments and approved exemptions to the Section 106 process. Commenters stated that the ACHP should have complied with the procedures and criteria set forth in the Section 106 regulations for developing an exempted category. Commenters also asserted that the Program Comment would exempt activities across multiple federal agencies and such use appeared to be an effort to avoid the three-step notice-and-comment process for formulating, amending, and repealing an administrative rule under the Administrative Procedures Act. Commenters observed that the Program Comment may create legal questions about whether federal agencies would be properly complying with Section 106, and for developers who would be required to ascertain to what extent the Program Comment may or may not apply to a particular situation.

Role of SHPO: Commenters appreciated the increased involvement of SHPOs in the process in the second draft, though many commenters continued to express concern that the Program Comment would establish a process for unilateral decision making by federal agencies and effectively remove states' voices. Many commenters recognized the likelihood that federal agencies, delegated authorities, and pass-through entities would continue to rely on SHPOs. Other commenters felt otherwise, raising concerns that federal agencies would choose to not consult with SHPOs, which would likely result in loss of historic resources and/or character-defining features and would disproportionally impact certain communities. Several commenters raised concerns about loss of cultural resource data because SHPOs may not receive information from federal agencies on eligible historic properties identified and evaluated under the Program Comment.

Contents: Many commenters continued to emphasize that activities covered by the Program Comment seem incongruous. Specifically, the commenters stated that transportation-related activities were dissimilar to undertakings related to housing and buildings. Many commenters called for the removal of the entire section on transportation-related projects. Several commenters urged the ACHP to instead consider the development of a focused programmatic solution tailored to transportation and based on careful analysis of any identified gaps or problems. Some commenters also continued to encourage the ACHP to focus on building interiors, rather than building exteriors and transportation. Commenters underlined the controversial nature of many of the included activities, particularly the increased potential for adverse effects to historic building exteriors, archaeological resources, and properties of traditional religious and cultural importance to Indian Tribes and Native Hawaiian Organizations.

Timing: Several commenters noted a concern with the change in the Presidential Administration and questioned whether proceeding with the Program Comment under the current circumstances may cause confusion among federal agencies and stakeholders regarding future implementation of the Program Comment.

Ground Disturbance: Many commenters continued to express strong concern regarding the treatment of ground disturbance, noting that the Program Comment could result in unnecessary damage to archaeological sites and project delays. Commenters requested that ground disturbing activities be removed entirely from the Program Comment, citing past experiences where archaeological resources, human remains, funerary objects, sacred objects, or objects of cultural patrimony were found in previously disturbed areas.

Comments on Section I (Introduction): Commenters reiterated questions about the purpose and need of the Program Comment and noted that additional data illustrating the need for the Program Comment would be helpful.

Comments on Section II (Scope): Commenters appreciated the

clarification regarding the Program Comment's effect on existing agreement documents, but there remained questions about whether the Program Comment would conflict with local ordinances and the federal rehabilitation tax credit program.

Comments on Section III (Alternative Compliance Approaches): Many commenters requested that notification regarding the application of the Program Comment be provided to SHPOs/THPOs by the federal agency. Commenters further noted that the notification requirement was vague and asked if the notification would be project by project or by program. Commenters noted that the Program Comment would provide for most of the substantive requirements of 36 CFR part 800 Subpart B except for consultation and noted the lack of mitigation. Commenters appreciated the revisions in this section but still had concerns about the role of SHPOs/THPOs, the lack of dispute provisions if there is a disagreement regarding findings, and the lack of timelines. Commenters recommended that resumes be included in annual reports to verify professional qualifications. Further, commenters recommended the term ''relevant discipline'' instead of the proposed language ''appropriate to the circumstances.''

Comments on Section IV (Assistance to Consulting Parties): One commenter asked if the ACHP had the authority to tell agencies to pay different entities.

Comments on Section V (Unanticipated Discoveries): Commenters asked that the Program Comment more clearly state the applicability of NAGPRA and state burial laws. Many commenters objected to predetermined buffer zones and asked that SHPOs/THPOs be notified of unanticipated discoveries. A few commenters noted that not all federal agencies have adopted the ACHP Burial Policy.

Comments on Section VI (Dispute Resolution): The majority of the comments on this section noted the lack of notification to consulting parties and the public regarding the use of the Program Comment or a dispute associated with the use of Program Comment, stating that it would make it challenging to file or weigh in on a dispute.

Comments on Section VII (Duration): Commenters appreciated the change to a 10-year duration and some recommended shorter durations or pilot periods.

Comments on Section VIII (Amendments): Commenters expressed concern about the proposed ACHP chair's unilateral authority to amend to extend the Program Comment and supported a full ACHP council member vote for amendments. Further, commenters encouraged consultation on any amendments.

Comments on Section IX (Withdrawal): The majority of the commenters noted that the parameters for withdrawal were too limited.

Comments on Section X (Reports and Meetings): Some commenters noted that the annual report requirements appear to add a significant burden while other commenters stated that it appeared the reports may lack sufficient information to fully understand how federal agencies would be implementing the terms of the Program Comment. Many commenters requested that the report template be developed prior to the issuance of the Program Comment and asked that more clarity about reports from entities with delegated authority be added. Commenters asked for public notification about the availability of reports and timing of meetings.

Comments on Section XI (Definitions): Many commenters expressed concern that some definitions were too broad. Commenters noted that ''repair'' and ''replacement'' should remain distinct. Commenters highlighted the definitions for ''independent utility'' and ''undertaking'' as still needing additional refinement. They also expressed a desire for the definitions to more closely align with industry standards, such as ''secondary spaces'' instead of ''non-primary façade''. Commenters raised concern regarding the definition and utilization of ''previously disturbed'' to remove consultation requirements.

Comments on Appendix A: Commenters stated that many of the activities listed could result in adverse effects to historic properties, yet the Program Comment lacked specificity about how federal agencies would ensure that adverse effects were resolved. More specifically, commenters noted potential visual effects, effects to historic districts, and effects caused by ground disturbance as particular concerns. Commenters asked for more conditions, qualifiers, and limitations to clarify what types of activities would fall within categories requiring no review. Actions that included installation of new features, removal of features, and activities requiring ground disturbance were noted as needing additional conditions and clarifications. Commenters questioned the manner in which the term ''previously disturbed'' was utilized as a qualifier to indicate that no further review was needed, and many commenters noted that ''previously disturbed'' does not indicate the absence of historic properties. Additionally, many commenters noted that the Program Comment was unclear about who makes the decision about whether a specific activity meets the conditions and limitations described in this appendix. Commenters further noted that the transportation activities did not seem to fit into the Program Comment.

Comments on Appendix B: Overall, commenters found this appendix difficult to follow. Many commenters stated that creating a parallel process to Section 106 would not result in streamlined reviews. Commenters noted that roles and responsibilities were unclear between SHPO staff and agency qualified professionals in addition to lacking clear delegation authorities. Many commenters asked how decisions regarding energy efficiencies and reductions would be made during the process. Commenters highlighted a variety of industry standards and policies that this appendix appeared to not align with, including eligibility criteria for the National Register of Historic Places, the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Department of the Interior's and the ACHP's Indigenous Knowledge policies, and various documentation standards. In particular, comments focused on the determination of eligibility process within this appendix. Commenters asked a number of clarifying questions highlighting how the process lacked consultation requirements with those who hold special expertise regarding certain historic properties as well as standard documentation and evaluation requirements. Commenters also noted that the Program Comment did not consider cumulative effects, a process for assessing adverse effects, and mitigation measures. Ground disturbance was a major concern, with commenters reiterating that previous ground disturbance does not necessarily imply a lack of historic properties. Further, commenters noted that transportation activities, due to the scale, nuance, and existing agreements, should not be included in this Program Comment.

ACHP Response to Comments in Final Version of the Program Comment

Concerns Raised by Indian Tribes: The final version of the Program Comment responds to a variety of concerns raised by Indian Tribes, which include concerns about the potential for ground disturbance, the process for dealing with undertakings that may have adverse effects, the need for greater specificity about consultation

requirements and procedures, issues related to inadvertent discoveries, the need for notification to and involvement from Indian Tribes and THPOs at various points in the Program Comment, the inclusion of references to other areas of law, deletion of a proposed ''qualified authority'' definition, and the duration of the Program Comment, among others. Specifically, the Program Comment was significantly revised to do the following:

- Eliminate from inclusion in the Program Comment any undertakings for which a federal agency knows or believes there is any likelihood of encountering historic properties in which an Indian Tribe or Native Hawaiian Organization may have an interest. (Section II.E.4.)
- Eliminate from Appendices A and B a number of undertakings with the potential to cause ground disturbance; add ''above ground'' language to confirm that certain elements may only be included in a covered undertaking if above ground; and recategorize undertakings to require heightened review if they have any potential to cause ground disturbance.
- Increase the buffer area for inadvertent discoveries of human remains or certain Native American cultural properties from 50 feet to ''no less than 100 feet, or within a buffer area previously agreed upon by an Indian Tribe and the federal agency, whichever is greater''. (Section V.B.)
- Refine the definition of ''previously disturbed ground'' to require certain considerations by federal agencies before ground may be considered previously disturbed. (Section XI.)
- Establish two types of determinations, Type A Determination and Type B Determination, that lay out clear steps for assessing the impact of certain ground-related activities. (Appendix B)
- Establish a process by which the ACHP members may choose to expeditiously delete a category of undertakings or impose conditions, exclusions, or requirements (including mitigation measures) on a category of undertakings that, when completed in accordance with the Program Comment, has resulted in a pattern of adverse effects. (Section VIII.C.)
- Require federal agencies to notify the National Association of Tribal Historic Preservation Officers (NATHPO) of its intent to utilize the Program Comment; require additional direct notification to relevant Indian Tribes and Native Hawaiian Organizations if less than national geographic scope; and require the ACHP to post all notices submitted by federal agencies. (Section III.A.2.)
- Require federal agencies to notify relevant Indian Tribes and Native Hawaiian Organizations in the case of a dispute. (Section VI.)
- Clarify consultation-related obligations, including eliminating inconsistent language, adding specifics regarding identifying Indian Tribes and Native Hawaiian Organizations with interests in the undertaking, requiring federal agencies to recognize any request by an Indian Tribe or Native Hawaiian Organization to be a consulting party, and setting forth consultation protocols. (Section III.B., Appendix B)
- Increase the type of activities for which Indian Tribes may be compensated for participation in this Program Comment. (Section IV.)
- Provide specific protocols for notification and documentation, prohibited activities, and incorporation of Indigenous Knowledge in the case of an inadvertent discovery. (Section V.A.)
- Update or include reference to state burial laws, Tribal ordinances, and NAGPRA. (Section V.B.)
- Increase federal agency reporting requirements, including increased frequency and more specific content required; and require that these reports be made public on the ACHP website. (Section X.A.)
- Require more frequent meetings and training by the ACHP (also discussed below). (Section X.)
- Invite Indian Tribes, Native Hawaiian Organizations, and THPOs to provide comments about the Program Comment at any time. (Section X.B.)
- Delete the definition and concept of ''qualified authority'' and incorporate Indigenous Knowledge elsewhere in the document.
- Reduce the proposed duration of the Program Comment to 10 years. (Sections VII., VIII.)

In addition, the Program Comment now omits reference to all activities related to bridges.

Legality of a Program Comment and Role of the SHPO: Several concerns were raised regarding the legality of the use of program comments in general, this Program Comment in particular, and the required involvement of SHPOs in program comments. The final draft of the Program Comment includes strengthened provisions for the involvement by, notification of, and reliance on SHPOs' opinions on a number of matters. In addition, SHPOs are invited to provide feedback at any time on the use of the Program Comment. In the second round of comments, a letter appended to the National Conference of State Historic Preservation Officers' (NCSHPO) submission suggested, among other things, that the process for developing this Program Comment should have followed the process for an exemption. The ACHP Office of General Counsel advised that a program comment is an acceptable choice of program alternative to use for the categories of covered undertakings, noting that many existing program comments involve undertakings like the ones covered in the Program Comment (including undertakings with no potential for adverse effects, undertakings with some potential for adverse effects, and undertakings requiring the satisfaction of certain conditions, exclusions, or requirements). The nature of activities covered by the Program Comment differs from activities that would be covered by an exemption. The intent in the Program Comment was to recognize the work already done or conditions imposed on covered undertakings to avoid or minimize adverse effects. Additionally, language was added to the Program Comment in Section VIII.C. to clarify that some listed undertakings may have unintended adverse effects on historic properties and to provide a process for the ACHP members to act more expeditiously to remove these activities from Appendix A or Appendix B, and consider mitigation measures if appropriate.

Format and Complexity: In response to comments received about the format and complexity of the first draft of the Program Comment, the Program Comment was simplified. Rather than six appendices covering overlapping items that were dependent on resource type and use, the Program Comment was reduced to two appendices. Additionally, the ''certain conditions, exclusions, or requirements'' previously required for the first draft's appendices part-2 activities have been simplified into seven specific processes for determinations (Types A–G) that are detailed in Appendix B.

Effect on Other Applicable Laws and Existing Agreements: In response to comments received about the effect of the Program Comment on other applicable laws and existing agreements, Section II was updated to clarify the Program Comment's application, including an explanation that the Program Comment does not change applicable laws or regulations related to the federal rehabilitation tax credit or local historic preservation reviews. Additionally, the Program Comment was revised to clarify that for undertakings covered by existing Section 106 memoranda of agreement or programmatic agreements, a federal agency must follow those terms, and the

Program Comment in no way supersedes those existing agreements. Finally, the Program Comment now clarifies the relationship between it and other program comments.

Segmentation: In response to concerns about potential segmentation of undertakings, the Program Comment was revised to clarify that if an undertaking includes activities not in Appendix A or Appendix B, the whole undertaking must be submitted to relevant Indian Tribes, Native Hawaiian Organizations, SHPOs, THPOs, and other consulting parties through the ordinary Section 106 process, with the submission indicating which activities are covered in this Program Comment and requesting review of only noncovered activities.

Determinations of Eligibility: In response to comments about the absence of determinations of eligibility to the National Register of Historic Places, a determination of eligibility continues to not be required for the use of the Program Comment. A Type C Determination, however, requires federal agencies to determine that a building is not eligible for the National Register of Historic Places. Type D–G Determinations require treating buildings as if they were eligible for the sake of such determinations.

Unanticipated Discoveries: In response to comments about unanticipated discoveries, Section V.B. was updated to include detailed processes for federal agencies to follow in the event of an unanticipated discovery. Additionally, for the unanticipated discovery of human remains or Native American funerary objects, sacred objects, or items of cultural patrimony, the 50-foot perimeter was increased to be ''no less than 100 feet, or within a buffer area previously agreed upon by an Indian Tribe and the federal agency, whichever is greater''.

Dispute Resolution Procedures: In response to comments received requesting clarification about the dispute resolution process, Section VI of the Program Comment now requires additional notice to consulting parties (including Indian Tribes, THPOs, SHPOs, and Native Hawaiian Organizations, and other consulting parties) and further articulates federal agency obligations, including the need to respond to any comments received by the ACHP.

Duration: In response to comments received about the duration of the Program Comment, the Program Comment now has an initial 10-year duration, half of the originally proposed 20 years.

Amendments: In response to comments concerned about the unilateral ability of the ACHP chairman to indefinitely extend the Program Comment, the Program Comment now permits the chairman of the ACHP to extend the duration of the Program Comment for only a single five-year period.

Withdrawal: To increase transparency with regard to any withdrawal of the Program Comment by ACHP membership, the ACHP is now required to notify SHPOs, THPOS, Indian Tribes, and Native Hawaiian Organizations if the Program Comment is withdrawn.

Reporting: In response to comments requesting greater transparency and specificity in federal reporting requirements, the timing of federal agency reports was adjusted to better reflect federal agency reporting cycles. The content of reports is now more specific and includes the articulation of any significant issues or disputes. Additionally, the Program Comment requires the ACHP to develop a template for collecting information about the use of the Program Comment to facilitate reporting and transparency, to summarize annual agency reports for the ACHP members and others, to deliver reports orally and in writing, and to provide recommendations for amendments.

Annual Meetings: In response to comments seeking greater opportunities to learn about the effectiveness and utility of the Program Comment, the Program Comment requires annual meetings.

Invitation to Comment: In response to comments seeking opportunities to provide feedback, the Program Comment now states an explicit invitation that any Indian Tribe, Native Hawaiian Organization, SHPO, THPO, consulting party, or member of the public may submit written comments to the ACHP regarding the overall effectiveness of the Program Comment. Such comments must be taken into consideration during the development of the ACHP's annual reports on the Program Comment.

Assistance and Training: In response to requests for ACHP guidance and training, Section X.E. now outlines case-specific technical assistance and training the ACHP will provide on the use of the Program Comment.

Definitions: Broadly, definitions were adjusted to better conform to existing regulations or guidance and to provide additional detail. In places, definitions were added or removed to reflect changes in the rest of the document or to make the appendices more concise.

Concerns Related to the Appendices of the Program Comment

Use of Qualified Authorities and Qualified Professionals: In response to confusion about the term and use of ''qualified authorities,'' it was removed from the Program Comment. However, the reliance upon qualified professionals and holders of Indigenous Knowledge was articulated and expanded, particularly in the procedures established by Type A–G Determinations. Additionally, it was specified that a qualified professional must have expertise in the specific area of study in which they are opining.

Minimal Adverse Effect: In response to comments about the phrase and use of ''minimal adverse effect,'' it was removed from the Program Comment.

The Nature of Type A–G Determinations: In response to comments about the nature of and appropriate party to make a ''determination,'' the Program Comment now clearly states that federal agencies make determinations pursuant to information or statements provided to or obtained by the federal agencies. Additionally, it was further clarified that for undertakings that cannot obtain a necessary determination, full Section 106 procedures must be followed pursuant to 36 CFR 800.3 through 800.7 or 36 CFR 800.8(c), or another applicable agreement or program alternative. In addition, Section III.A.4. was added to indicate that agency officials were to be the individuals making key decisions for the federal agencies.

Character-defining: In response to comments about ''character-defining features,'' Type E and Type F Determinations offer a consistent approach for determining if a feature is ''character-defining.'' Further, federal agencies may rely on ''context studies'' for Type E and Type F determinations concerning historic properties that share similar histories and designs.

Ground Disturbance: See changes referenced above in response to concerns raised by Tribal commenters.

Other Activities: In response to confusion about including ''other activities'' in the Program Comment, activities that do not normally require a review under Section 106 are now identified in a single, consolidated section in Appendix A.

Nearness and Adjacencies: In response to comments that the Program Comment would be applied too broadly from a land-use perspective, the Program Comment no longer uses the words ''near'' or ''adjacent to'' to

describe proximity to a specific land use (*e.g.,* housing) or buildings.

Windows, Doors, Siding, and Other Exterior Features: As suggested by commenters, Type D Determinations provide a framework for determining if the replacement of a window, door, or siding is appropriate. Type E also provides a consistent approach for determining if an exterior feature is ''character-defining'' and what is or is not a ''nonsignificant'' façade, recognizing that some commenters called for the use of the term ''secondary'' façade.

Building Interiors: As suggested by commenters, Type E Determinations provide a framework for determining if an element of a building interior is ''character-defining'' or in a ''primary space.'' To reduce the potential for duplication noticed by some commenters, the Program Comment no longer has separate appendices for interior activities for buildings whose primary purpose is residential versus other uses. Additionally, the Program Comment clarifies that interior rehabilitations can take place within housing units and within upper stories of certain spaces of buildings.

Content of Final Draft: As is the nature of any public process, a number of comments were not integrated in the final Program Comment. Comments to abandon the development of the Program Comment were not heeded. As stated above, the Program Comment is intended to promote actions that advance historic preservation goals, including the reuse of historic materials and buildings and the upgrading of infrastructure in historic neighborhoods. It also advances the goals of the ACHP's 2023 Policy Statements. Further, the development of this Program Comment followed applicable statutory and regulatory requirements. While the transportation-related activities were significantly trimmed, a limited number remain in the Program Comment given the lack of consistent treatment of certain covered activities in existing Section 106 programmatic agreements, the fact that not all states have programmatic agreements, and the need to continue to harmonize reviews of these activities in light of significant federal investments. Comments to shorten the duration to five years, or even one year, were not heeded because of the need to provide a reasonable amount of time for the Program Comment to be operationalized across federal agencies. However, the annual meeting and reporting requirements, along with the amendments and withdrawal provisions, will help with providing opportunities to assess the effectiveness of the Program Comment and adjust as needed. Comments to remove the ''other activities'' found in Section 6 of Appendix A as not undertakings were not heeded because the ACHP heard from commenters and the ACHP members that such activities were sometimes incorrectly considered undertakings and subjected to the full Section 106 review process.

V. Text of the Program Comment

The full text of the program comment, with various typographical and grammatical errors corrected, is provided below.

Program Comment on Certain Housing, Building, and Transportation Undertakings

This Program Comment was issued by the Advisory Council on Historic Preservation (ACHP) on December 20, 2024, on its own initiative pursuant to 36 CFR 800.14(e), and went into effect on that date. It provides all federal agencies with an alternative way to comply with their responsibilities under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR part 800 (Section 106), regarding the effects of certain housing-related, building-related, and alternative transportation infrastructure-related undertakings.

I. Introduction

A. Background

The National Historic Preservation Act calls for ''us[ing] measures . . . to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations.'' 54 U.S.C. 300101. The development of this Program Comment responds to this call and is driven by the need to harmonize policies and procedures for the preservation of our nation's historic places with other efforts designed to produce and rehabilitate affordable, accessible, energy-efficient, and hazard-free housing; to reduce energy use and associated costs, improve resilience against natural hazards, and provide alternative transportation options—needs that have received high levels of attention from Congress, as well as state, local, and Tribal governments and private parties.

B. Prior ACHP Action

The ACHP's statutory duties under the National Historic Preservation Act include advising the President, Congress, and state and local governments on historic preservation policy issues and overseeing the Section 106 process. The ACHP has performed these statutory duties in the areas covered by this Program Comment.

In its advising capacity, the ACHP issued its first policy statement on affordable housing in 1995. It updated this policy statement in 2006, and again in 2023 by broadening the scope to cover all housing. The Housing and Historic Preservation Policy Statement states that Section 106 reviews must ''be grounded in a flexible yet consistent approach to ensure that housing can be developed expeditiously while still preserving the historic qualities of affected historic properties.'' Also in 2023, the ACHP advised on energy use and cost, resilience, and historic preservation through its Climate Change and Historic Preservation Policy Statement. It urges action on building reuse and energy-and-emissions-saving retrofits of older and historic buildings (including enhanced electrification and increased energy efficiency standards). It also supports expediting Section 106 review of alternative transportation projects.

In its oversight of the Section 106 process, the ACHP has issued or participated in a variety of program alternatives to create tailored review processes for certain programs and undertakings relevant to this Program Comment. At the request of Department of Defense, for example, the ACHP has issued six program comments specifically related to housing, which cover housing developed under specific congressionally appropriated programs, housing constructed during specific eras, and housing designed and built with similar form, style, and materials. The ACHP has also recently been a signatory to several statewide programmatic agreements with the Department of Housing and Urban Development related to projects and programs subject to 24 CFR parts 50 and 58.

With regard to building rehabilitation, the ACHP has issued several program comments, along with an exemption for the General Services Administration's routine operations and maintenance. The ACHP has also signed a Department of Energy Prototype Programmatic Agreement for weatherization activities and a Nationwide Programmatic Agreement Regarding Climate Resiliency and Sustainability Undertakings on Department of Homeland Security Owned Facilities, which cover a broad range of energy efficiency, water efficiency, and resilience-related undertakings.

With regard to transportation alternatives, the ACHP has issued two program comments specifically related to transportation projects (both related to rail infrastructure), along with a government-wide exemption for certain electric vehicle supply equipment (EVSE). In addition, the ACHP has been a signatory to statewide programmatic agreements with the Federal Highway Administration, State Historic Preservation Offices, Indian Tribes, and state departments of transportation, covering a range of transportation-related activities.

This Program Comment is guided in part by the mechanisms, provisions, and approaches in prior program alternatives that are most consistent with the ACHP's recently adopted Housing Policy Statement and Climate Change Policy Statement. In expanding beyond the scope of these prior program alternatives, this Program Comment offers an alternative approach for Section 106 review across the federal government for certain undertakings, equipping federal agencies to more effectively and efficiently preserve and protect the nation's historic resources while addressing other critical policy needs.

C. Goals

This Program Comment aims to promote actions that, consistent with the National Historic Preservation Act, 54 U.S.C. 300101(1), advance historic preservation goals including the reuse of historic materials and buildings and the upgrading of infrastructure in historic neighborhoods, and to harmonize historic preservation goals with the nation's pressing needs to expand access to housing, improve resilience, and offer transportation alternatives.

Every day, federal agencies meet these needs by proposing to carry out, permit, license, fund, assist, or approve undertakings that have the potential to affect historic properties, and when they do, they must comply with Section 106 of the National Historic Preservation Act. Recognizing the extent, and in some cases the increasing extent, of federal action in the housing, building, and transportation sectors, and the volume and repetitive nature of such action, the ACHP has issued this Program Comment to offer efficiencies in reviewing these covered undertakings. In doing so, this Program Comment enables federal agencies to focus on preservation and consultation for other undertakings with greater potential for adverse effects on historic properties. This Program Comment also aims to leverage existing investments in existing buildings and other built infrastructure by facilitating reuse and thereby avoiding the need for new construction and for costly new construction materials.

Ultimately, this Program Comment aims to benefit the people who live in the housing, work in the buildings, and move using the transportation infrastructure projects being carried out, permitted, licensed, funded, assisted, or approved by federal agencies by creating review efficiencies that deliver these projects more quickly and efficiently.

II. Scope

A. Overall Effect

This Program Comment provides an alternative way for federal agencies to comply with their Section 106 responsibility to take into account the effects on historic properties of their covered undertakings. The issuance of this Program Comment at the ACHP's own initiative provides the ACHP a reasonable opportunity to comment regarding the covered undertakings.

B. Effect on Other Applicable Laws and Regulations

This Program Comment does not modify, preempt, or replace any other federal laws or regulations (including those related to the federal rehabilitation tax credit), or any applicable state, local, or Tribal laws or regulations (including local historic preservation review or zoning ordinances, building codes, or permitting requirements).

C. Effect on Existing Agreements

1. Overall Effect

A federal agency that already has an executed Section 106 memorandum of agreement (MOA) or programmatic agreement (PA) in effect that addresses covered undertakings must follow the terms of those MOAs or PAs to the extent those MOAs or PAs address the undertakings covered by this Program Comment. A federal agency whose undertakings are covered by another program comment currently in effect may elect to follow the terms of that program comment, or utilize this Program Comment after notice of its intent to follow this Program Comment per Section III.A.2. of this Program Comment, for undertakings covered by both program comments. This Program Comment does not in any way supersede, replace, or change the terms of existing MOAs or PAs, or other program comments.

2. Amendment or Termination of MOAs and PAs

Federal agencies may pursue amendments to existing MOAs or PAs per their stipulations to incorporate, in whole or in part, the terms of this Program Comment. Federal agencies may also consider terminating such MOAs or PAs per their stipulations and follow this Program Comment to satisfy their Section 106 responsibility for the covered undertakings.

If a federal agency elects to amend or terminate an MOA or PA, and if the applicable amendment or termination provision of such MOA or PA does not require consultation with relevant Indian Tribe(s), Native Hawaiian Organization(s), SHPO(s), THPO(s), or consulting parties, the ACHP strongly recommends that the federal agency meaningfully consult with such parties in considering any such amendment or termination.

If a federal agency elects to terminate an MOA or PA, and if the applicable termination provision of such MOA or PA does not require notice to the ACHP of such termination, the federal agency must provide written notice to the ACHP of such termination and provide notice of its intent to follow this Program Comment per Section III.A.2. of this Program Comment.

A federal agency need not amend or terminate an existing MOA or PA if the MOA or PA addresses undertakings similar to, but distinct from, the undertakings covered by this Program Comment.

3. Amendment of Existing Program Comments

Federal agencies may propose to the ACHP amendments to existing program comments following the amendment provisions in those program comments, and the ACHP may consider any amendments to incorporate, in whole or in part, the terms of this Program Comment.

D. Application on Tribal Lands

This Program Comment does not apply to undertakings located on Tribal lands, or to undertakings that may affect historic properties located on Tribal lands, unless the Tribal Historic Preservation Officer (THPO) or a designated representative of the Indian Tribe has provided prior written notification to the executive director of the ACHP that the Tribe allows the use of the Program Comment on the Tribe's lands. Indian Tribes can agree to such use of the Program Comment by issuing an authorization for such use in a format substantially similar to the format

contained in Appendix C to this Program Comment, and by submitting the completed authorization to the executive director of the ACHP. This Program Comment is applicable on the Tribal lands identified in such authorization on the date of receipt of the authorization by the executive director of the ACHP, who must ensure notice of such authorization is included on the website of the ACHP within 30 days of the ACHP's receipt. The THPO or designated representative of the Indian Tribe may terminate the Indian Tribe's authorization to use this Program Comment by notifying the executive director of the ACHP in writing. Such a termination will be limited to the Program Comment's applicability to undertakings that would occur on or affect historic properties on the Tribal lands under the jurisdiction of the Indian Tribe.

E. Undertakings Not Covered and Exceptions

A federal agency must follow the Section 106 review process under 36 CFR 800.3 through 800.7 or 36 CFR 800.8(c), or another applicable agreement or program alternative, if:

1. The federal agency elects, for any reason, not to utilize this Program Comment for an undertaking.

2. The undertaking is not listed in the Appendices to this Program Comment.

3. The undertaking would occur on or have the potential to affect the following historic properties:

a. Any National Monument, National Historic Site, National Historic Trail, National Historical Park, National Military Park, National Battlefield, National Battlefield Park, National Battlefield Site, National Lakeshore, or National Seashore.

b. Any site, object, building, or structure individually designated as a National Historic Landmark or found within the boundaries of a National Historic Landmark district.

c. Sites of religious and cultural significance to Indian Tribes and Native Hawaiian Organizations, including but not limited to Tribal identified sacred sites and sites identified by Indigenous Knowledge of Indian Tribes or Native Hawaiian Organizations.

4. The federal agency knows, has reason to believe, or has been informed that there may be any likelihood of encountering historic properties in which an Indian Tribe or Native Hawaiian Organization may have an interest.

III. Alternative Compliance Approaches

A. Available Alternative Compliance Approaches and Federal Agency Use

1. Available Alternative Compliance Approaches

This Program Comment authorizes alternative compliance approaches for covered undertakings, as follows:

a. For undertakings set forth in Appendix A of this Program Comment, a federal agency has no further Section 106 review requirements regarding the undertaking, other than keeping a record of its determinations to use Appendix A of this Program Comment.

b. For undertakings set forth in Appendix B of this Program Comment, a federal agency has no further Section 106 review requirements regarding the undertaking if the federal agency (i) satisfies the conditions, exclusions, or requirements prescribed in Appendix B, and (ii) documents, as part of its administrative record and for any reports required by Section X of this Program Comment, the manner in which it has satisfied such conditions, exclusions, or requirements.

2. Federal Agency Notice of Alternative Compliance Approaches

Prior to using this Program Comment, a federal agency must provide a written notification to the ACHP, the National Conference of State Historic Preservation Officers, and the National Association of Tribal Historic Preservation Officers of its decision to use this Program Comment, including an identification of the geographic scope (national, state, or otherwise) in which it will use the Program Comment. Where the geographic scope is less than national, the federal agency must also notify any relevant Indian Tribe(s), Native Hawaiian Organization(s), SHPO(s), THPO(s), and representative(s) of local government(s). The ACHP must make available on its website any such notices submitted by federal agencies to the ACHP pursuant to this Section.

3. Identifying a Covered Undertaking Subject to This Program Comment

When an undertaking includes multiple activities, including any undertaking or undertakings listed in Appendix A or Appendix B as well as nonlisted activities, the federal agency shall submit the entire undertaking for review under 36 CFR 800.3 to 800.7 to the relevant Indian Tribes, Native Hawaiian Organizations, SHPO(s), THPO(s), and other consulting parties, as applicable. The federal agency shall include with the submittal a description of the undertaking or undertakings that are listed in Appendix A or Appendix B and note the federal agency's reliance on this Program Comment for those select undertakings, and request review only of the nonlisted activities.

4. Federal Agency Determinations

Federal agency determinations made in accordance with this Program Comment must be made by the head of the federal agency or another federal agency official delegated legal responsibility for compliance with Section 106 of the National Historic Preservation Act and having jurisdiction and approval authority over an undertaking. When taking action, including making determinations, pursuant to this Program Comment, such person must comply with the provisions in 36 CFR 800.2.

B. Consultation With Indian Tribes and Native Hawaiian Organizations

The United States government has a unique legal and political relationship with Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, court decisions, and Executive Orders. The United States recognizes the right of Indian Tribes to self-governance. Tribes exercise inherent sovereign powers over their members and territories.

1. Consultation-Related Obligations

Prior to engaging in any undertaking for which this Program Comment requires a Type B Determination in accordance with Appendix B of this Program Comment, a federal agency must make a reasonable and good faith effort to identify any Indian Tribes or Native Hawaiian Organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. The federal agency's effort to identify potentially interested Indian Tribes and Native Hawaiian Organizations should be informed by, but not limited to the following: the knowledge and expertise of federal agency staff; historic maps; information gathered from previous consultations pursuant to Section 106 or Section 110 (subject to Section III.B.4. of this Program Comment); databases of Indian Tribes and Native Hawaiian Organizations where accessible and appropriate; the Bureau of Indian Affairs Tribal Leader List; U.S. Department of the Interior Native Hawaiian Organization List; the National Park Service Tribal Historic Preservation Program contact database; National Association of Tribal Historic Preservation Officers; the U.S.

Department of Housing and Urban Development Tribal Directory Assistance Tool; State Historic Preservation Officer (SHPO) databases; and other resources. Such Indian Tribe or Native Hawaiian Organization that requests in writing to be a consulting party shall be one.

The federal agency's consultation effort should be informed by and be conducted in accordance with the National Historic Preservation Act; the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation; and the ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects, including, but not limited to, recognizing the special expertise of holders of Indigenous Knowledge. The federal agency must defer to the identification by an Indian Tribe or Native Hawaiian Organization of certain individual or individuals as holders of the Indigenous Knowledge of the Indian Tribe or Native Hawaiian Organization in light of their expertise (including but not limited to Indigenous Knowledge-based expertise) in identification, evaluation, assessment of effects, and treatment of effects to historic properties of religious and cultural significance to the Indian Tribe or to Native Hawaiians.

The federal agency must gather information to identify whether any historic properties of religious and cultural significance to such Indian Tribes or Native Hawaiian Organizations are included in such area of potential effects in accordance with the protocols in 36 CFR 800.4(a)(4) and must use this information to assess whether the undertaking could result in an effect on any such historic properties.

2. Finding of Potential Effect on Certain Properties

Should the federal agency determine through consultation with Indian Tribes or Native Hawaiian Organizations or otherwise that a proposed undertaking covered in this Program Comment could result in an effect on a historic property with traditional religious and cultural significance to an Indian Tribe or Native Hawaiian Organization, including but not limited to a Tribal identified sacred site or a site identified by Indigenous Knowledge of Indian Tribes or Native Hawaiian Organizations, the federal agency will not use this Program Comment and must instead follow the Section 106 review process under 36 CFR 800.3 through 800.7, or 36 CFR 800.8(c), or another applicable agreement or program alternative.

3. Confidentiality-Related Obligations

Consistent with 36 CFR 800.4(a)(4) and the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation, federal agencies should consider information regarding historic properties with traditional religious and cultural significance to Indian Tribes or Native Hawaiian Organizations, Tribal identified sacred sites, and Indigenous Knowledge shared with the federal agency by Indian Tribes or Native Hawaiian Organizations as sensitive, unless otherwise indicated by the Indian Tribe or Native Hawaiian Organization. Federal agencies should clearly inform Indian Tribes and Native Hawaiian Organizations of any limitations on the agency's ability to keep sensitive information confidential. Federal agencies must keep sensitive information provided by Indian Tribes or Native Hawaiian Organizations confidential to the extent authorized by applicable federal laws, such as Section 304 of the National Historic Preservation Act, or by applicable state and local laws. Federal agencies are encouraged to use best practices on confidentiality delineated in the 2023 Interagency Best Practices Guide for Federal Agencies Regarding Tribal and Native Hawaiian Sacred Sites when implementing this Program Comment, including when maintaining records of correspondence related to consultation under this Section. Federal agencies must also adhere to confidentiality requirements for other resources covered by Section 304 of the National Historic Preservation Act.

4. Opportunities for Outreach

Nothing in this Program Comment shall be construed to preclude or discourage early outreach by project proponents, applicants, state or local government entities, or other nonfederal entities to Indian Tribes or Native Hawaiian Organizations prior to the initiation of an undertaking.

C. The Use of Qualified Professionals

Except where explicitly stated, undertakings covered by this Program Comment do not require the use of a qualified professional. When the federal agency engages a qualified professional, the type of qualified professional must be appropriate to the circumstances. As an example, determinations regarding architectural resources and structures must be made by a qualified professional meeting such professional standards for historic architecture or architectural history established by the Secretary of the Interior.

IV. Assistance to Consulting Parties

This Program Comment does not require a federal agency to pay any consulting party for providing its views or comments in response to 36 CFR part 800 responsibilities, including invitations to consult in a Section 106 review; to respond to the proposed area of potential effects, scope of identification efforts, eligibility findings, assessment of effects; or to consult to seek ways to resolve any adverse effects or to develop a memorandum of agreement or programmatic agreement to conclude the Section 106 review. If, however, a federal agency asks an Indian Tribe, Native Hawaiian Organization, or any consulting party to do more than the activities listed in the preceding sentence in connection with this Program Comment, the federal agency or its applicant, grantee, or permittee, if applicable, must enter into an appropriate arrangement to provide the Indian Tribe, Native Hawaiian Organization, or consulting party reasonable payment for such services, if and to the fullest extent the federal agency has the ability to enter into such an arrangement and pursuant to its statutory authorities and regulations. Examples of services include requests to do the following:

A. Conduct an archaeological, ethnographic, or other inventory or field survey to identify historic properties that may be affected by the undertaking.

B. Perform a records check on behalf of the federal agency.

C. Conduct research or analysis to perform preliminary assessments of eligibility to the National Register or to make recommendations about eligibility to the federal agency and thereby inform the federal agency's determination of eligibility.

D. Conduct research or analysis to assess the potential effects of the undertaking on historic properties and thereby inform the federal agency's determination of effects.

E. Carry out additional research or monitor ground disturbing activities.

F. Curate artifacts or records recovered or made as part of historic property identification, or evaluation.

G. Design or develop a specific plan or specifications for an undertaking that would meet the Secretary of the Interior's Standards for Rehabilitation or otherwise avoid, or minimize effects to historic properties.

H. Monitor ground disturbing activities or federal agency treatment of unanticipated discoveries.

A request during consultation by an Indian Tribe or Native Hawaiian

Organization to conduct such services itself does not preclude reasonable payment for services simply because the request was made during consultation. A federal agency or its applicant, grantee, or permittee, if applicable, must consider entering into an arrangement, in accordance with this Section, with any Indian Tribe or Native Hawaiian Organization making such a request.

V. Unanticipated Discoveries

A. Immediate Response Requirements

If previously unidentified historic properties or unanticipated effects, including, but not limited to, visual, audible, atmospheric, and cumulative effects, to historic properties are discovered during implementation of the undertaking, the federal agency must immediately halt all activity that could affect the discovery and institute interim measures to protect the discovery from looting, vandalism, weather, and other threats. The federal agency must then follow the procedures set forth in 36 CFR 800.13(b) or the following processes:

1. Notification and Documentation

Within 48 hours of the discovery, the federal agency must notify any relevant Indian Tribe(s), Native Hawaiian Organization(s), SHPO(s), and THPO(s), and any identified consulting parties, of the inadvertent discovery. It must also document in writing the condition of the items from visual inspection, and any detailed information that may benefit the recovery plan and decision-making process.

The federal agency must determine within five business days of the original notification, in consultation with the relevant Indian Tribe(s), Native Hawaiian Organization(s), SHPO(s), or THPO(s), and any identified consulting parties, whether the unanticipated or post-review discovery is eligible for the National Register of Historic Places, or has been identified by an Indian Tribe as a historic property, and to determine the contents of a discovery plan, including ways to minimize, avoid, or mitigate adverse effects and appropriate methods of identification, transport, and storage of materials.

2. Prohibited Activities

The federal agency must prevent photographs, videos, sketches, renderings, materials, records, or social media posts identifying or discussing human remains or material objects associated with burial contexts, unless the federal agency obtains consent from relevant Indian Tribe(s), Native Hawaiian Organization(s), or other descendants. The federal agency must take special care to ensure that details, location and photographs of artifacts, funerary objects, and human remains associated with burial contexts are not provided to the public.

3. Incorporation of Indigenous Knowledge

For sites with potential religious and cultural significance to Indian Tribes or Native Hawaiian Organizations, the federal agency must request, and incorporate, if provided, the special expertise of Tribes or Native Hawaiian Organizations and the information provided by designated holders of Indigenous Knowledge in accordance with the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation. For sites involving burial sites, human remains, or funerary objects, the federal agency must follow these procedures and be guided by the ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects.

B. Response to the Discovery of Human Remains or Native American Funerary Objects, Sacred Objects, or Items of Cultural Patrimony

The federal agency must ensure that in the event human remains or Native American funerary objects, sacred objects, or items of cultural patrimony are discovered during implementation of an undertaking, all work within no less than 100 feet of the discovery, or within a buffer area previously agreed upon by an Indian Tribe and the federal agency, whichever is greater, must cease. In addition, the area must be secured, and the federal agency's authorized official, any known and potentially affiliated Indian Tribe or Native Hawaiian Organization, local law enforcement, and coroner/medical examiner in accordance with any applicable state statute(s) must be immediately contacted. The federal agency must be guided by the principles within the ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects. The federal agency will comply with applicable state burial laws, including where such laws apply to land that is not federal or Tribal land, and applicable ordinances of Indian Tribes. The federal agency will also comply with Section 3 of the Native American Graves Protection and Repatriation Act and its implementing regulations, 43 CFR part 10, in regard to any Native American human remains, funerary objects, sacred objects, or items of cultural patrimony found on federal or Tribal land or otherwise subject to that statute.

VI. Dispute Resolution

Any person may file a dispute over the implementation of this Program Comment or its use for any particular undertaking, by filing a notice with the relevant federal agency, including the federal agency's Federal Preservation Officer, with a copy to any consulting parties involved in the undertaking and any relevant Indian Tribes, THPO(s), SHPO(s), and Native Hawaiian Organizations. Objecting parties may include, but are not limited to, Indian Tribes, THPO(s), SHPO(s), Native Hawaiian Organizations, local governments, preservation organizations, owners of historic properties, and members of the public. The federal agency must consult with the objecting party to resolve the dispute for not more than 60 days. Any disputes over the evaluation of unanticipated discoveries must be resolved in accordance with the requirements of 36 CFR 800.4(c)(2) and Section V of this Program Comment, as appropriate.

Should resolution not be reached within 60 days, the federal agency must forward to the ACHP all documentation relevant to the objection, including the federal agency's proposed resolution if any, request the ACHP to provide within 30 days its written comments to resolve the dispute, and take the ACHP's comments into account before making a decision regarding its approach to complying with Section 106. The federal agency must respond to the ACHP's written comments and must notify the objecting party, any consulting parties previously notified of the dispute, and any relevant THPO(s) or SHPO(s) regarding its decision as to compliance with Section 106 for an undertaking that is the subject of a dispute. The federal agency's decision regarding the resolution will be final. Following the issuance of its final decision in writing, the federal agency may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

The ACHP must monitor such disputes to identify patterns or common issues in the use of this Program Comment, and from time to time, the executive director of the ACHP may issue advisory opinions about the use of this Program Comment to guide federal agencies.

VII. Duration

This Program Comment will remain in effect from the date of adoption by the ACHP through December 31, 2034, unless prior to that time the ACHP

withdraws the Program Comment in accordance with Section IX of this Program Comment. On any date during the six-month period preceding the expiration date, the ACHP chairman may amend the Program Comment to extend its duration in accordance with Section VIII.A. of this Program Comment. If an Indian Tribe authorizes the use of this Program Comment on its Tribal lands in accordance with Section II.D. of this Program Comment, such authorization will be in effect from the date of the issuance of the authorization until the termination of such authorization by the Indian Tribe or the expiration or withdrawal of this Program Comment, whichever is earlier.

VIII. Amendment

The ACHP may amend this Program Comment after consulting with federal agencies and other parties as it deems appropriate and as set forth below.

A. Amendment by the Chairman, ACHP

The chairman of the ACHP, after at least 30 days' notice to the rest of the ACHP membership and federal agencies, and after publication on the ACHP website of the chairman's written explanation (which shall take into account ACHP reports and federal agency reports required by this Program Comment and any comments received from Indian Tribes, Native Hawaiian Organizations, and others), may amend this Program Comment to extend its duration one time for five additional years. The ACHP must notify federal agencies, SHPOs, THPOs, Indian Tribes, and Native Hawaiian Organizations and publish notice in the **Federal Register** regarding such amendment within 30 days after its issuance.

B. Amendment by the Executive Director, ACHP

The executive director of the ACHP, after notice to the ACHP membership and other federal agencies may amend this Program Comment to adjust due dates and make corrections of grammatical and typographical errors. The ACHP must notify federal agencies and publish notice in the **Federal Register** regarding such amendments within 30 days after their issuance.

C. Amendment by the ACHP Membership

Through federal agency reports, comments received by the ACHP, ACHP staff analysis, or otherwise, the ACHP may come to learn the application of this Program Comment to a particular category of undertakings listed in Appendix A or Appendix B has resulted in a pattern of adverse effects on historic properties. Upon notification of any such pattern, the ACHP chairman, in consultation with the ACHP executive director, may convene a meeting of the ACHP membership or may include in an ACHP business meeting agenda the opportunity for the ACHP executive director to present all available information, in writing and orally, regarding the category of undertakings and the types and frequency of such adverse effects and to make specific recommendations about the category to the membership. At or within a reasonable time after such presentation, the ACHP chairman, in consultation with the executive director, may call for a vote by ACHP members to amend this Program Comment with regard to the category of undertakings as follows. If the category of undertakings is listed in Appendix A, members may consider an amendment to either delete the category or move the category to Appendix B with appropriate conditions, exclusions, or requirements (including mitigation measures). If the category of undertakings is listed in Appendix B, members may consider an amendment to delete the category or to modify the conditions, exclusions, or requirements (including mitigation measures) on the category. Any such amendment will be subject to approval by a majority of ACHP members present and voting. The ACHP must notify federal agencies and publish notice in the **Federal Register** regarding such amendments within 30 days after their issuance.

D. All Other Amendments

Amendments to this Program Comment not covered by Sections VIII.A. or VIII.B. of this Program Comment will be subject to ACHP membership approval in accordance with the applicable voting provisions in the ACHP Operating Procedures, as amended from time to time.

IX. Withdrawal

If the ACHP determines that the consideration of historic properties is not being carried out in a manner consistent with this Program Comment, the ACHP may withdraw this Program Comment. The chairman of the ACHP must then notify federal agencies, SHPOs, THPOs, Indian Tribes, and Native Hawaiian Organizations and publish notice in the **Federal Register** regarding withdrawal of the Program Comment within 30 days of the decision to withdraw. If this Program Comment is withdrawn, federal agencies must comply with the Section 106 review process under 36 CFR 800.3 through 800.7, or 36 CFR 800.8(c), or another applicable agreement or program alternative for individual undertakings covered by this Program Comment.

X. Reports, Meetings, and Guidance

A. Federal Agency Reports

1. Timing of Reports

The federal agencies that use this Program Comment must provide annual reports to the ACHP regarding the use of this Program Comment during the previous fiscal year reporting period, ending September 30 annually, to the ACHP, as provided in this Section. Annual reports are due on December 31 of each year, starting December 31, 2025.

2. Delivery of Reports

For any reporting required by this Section, federal agencies whose legal responsibility to comply with Section 106 has been delegated to other entities or assumed by other entities in accordance with federal law but who maintain a reporting mechanism for some or all such entities must provide reports to the ACHP on behalf of those entities for which such data is available. Other entities to whom legal responsibility for compliance with Section 106 has been delegated or other entities that have assumed such responsibility must directly submit reports to the ACHP in accordance with this Section, using their own reporting mechanisms. In any report required by this Section, the ACHP encourages federal agencies to also propose for the ACHP's consideration amendments and refinements to this Program Comment based on their experience implementing it.

3. Content of Reports

In any report required by this Section, each federal agency must do the following:

a. Identify the number of times the federal agency has utilized this Program Comment for undertakings covered by Appendix A;

b. For any undertakings covered by Appendix B, include: the address or, if no address is available, the location of the undertaking; information about the manner or extent to which the agency satisfied the conditions, exclusions, and requirements to proceed with such undertakings; the names and any institutional affiliations of any qualified professionals, SHPOs, or THPOs who contributed to written determinations required by this Program Comment; and a list of relevant Indian Tribes and Native Hawaiian Organizations with which consultation on such undertaking occurred;

c. Identify any significant issues (including disputes) that may have arisen while implementing the Program Comment, and their resolution;

d. Assess the overall effectiveness of the Program Comment;

e. List any entities to which the federal agency has delegated legal responsibility for compliance with Section 106 in accordance with federal law, and any entities that have assumed such responsibility in accordance with federal law, whose undertakings are included in the report.

4. Template for Reports

Within two months of the adoption of this Program Comment, the ACHP must develop a template for federal agencies to collect information about any undertakings covered by Appendix B. The ACHP must also endeavor to create an online reporting and tracking system for individual undertakings covered by this Program Comment.

5. Publication of Reports

The ACHP must make available on its website any annual reports submitted by federal agencies to the ACHP pursuant to this Section within 30 days of receipt.

B. Invitation To Provide Comment

At any time, any Indian Tribe, Native Hawaiian Organization, SHPO, THPO, consulting party, or member of the public may submit written comments to the ACHP regarding the overall effectiveness of the Program Comment in meeting its intent and regarding suggestions for amendments and refinements to this Program Comment. The ACHP must provide and maintain instructions for submission of written comments on its website. The ACHP must consider such written comments when drafting any reports required by Section X.D. of this Program Comment.

C. Annual Meetings

By March 31, 2026, and annually for the duration of this Program Comment, the ACHP must schedule an annual meeting and invite federal agencies, Indian Tribes, SHPOs, THPOs, Native Hawaiian Organizations, ACHP members, consulting parties, and others it deems appropriate, to discuss implementation of the Program Comment. At the meeting, attendees will have an opportunity to provide their views on the overall effectiveness of the Program Comment in meeting its intent and purpose. Such views may inform decisions such as those regarding amendments to the Program Comment. Annual meetings may take place in-person, by phone, virtually using electronic meeting platforms, or any combination of such means.

D. ACHP Reports and Recommendations for Amendments

At any time, but at least once during the initial three-year period during which this Program Comment is being used, and every three years thereafter, ACHP staff must provide at an ACHP business meeting a written and oral summary of information received from federal agency reports, annual meetings, comments provided pursuant to Section X.B. of this Program Comment, or other sources about the utility of this Program Comment and make any recommendations for amendments. The ACHP must make such written summary of information and such recommendations available to the public through posting on the ACHP website within 30 days of such meeting.

E. ACHP Guidance on the Use of This Program Comment

1. Request for ACHP Advisory Opinions

A federal agency may seek an advisory written opinion from the ACHP as to whether it may appropriately utilize this Program Comment for an undertaking by forwarding to the ACHP all documentation relevant to the undertaking, requesting the ACHP to provide within 30 days its written comments, and taking the ACHP's comments into account before making a decision as to whether to utilize this Program Comment for such an undertaking.

2. Training Materials and Meetings

In addition to issuance of advisory opinions in accordance with the preceding section, the ACHP will produce an e-learning course providing an overview of the application, interpretation, and requirements of this Program Comment and may produce other relevant training materials.

XI. Definitions

For purposes of this Program Comment, the following definitions apply, and beginning in Section II of this Program Comment, such words were italicized for convenience in earlier drafts:

Abatement means acting or actions to eliminate, lessen, reduce, remove, or encapsulate.

Accessibility improvement means a physical, constructed work, such as a ramp or a railing, that addresses the requirements of the Americans with Disabilities Act, Architectural Barriers Act Accessibility Standards, or Uniform Federal Accessibility Standards.

Adverse effect, as provided in 36 CFR 800.5(a)(1), means an action that may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association; and it includes reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Alternative transportation infrastructure means a building or structure (including rail infrastructure) used for pedestrian, bicycle, micromobility vehicle, and transit purposes.

Area of potential effects, as provided in 36 CFR 800.16(d), means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist, and is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Bicycle lane means a portion of a roadway that has been designated by striping, signage, pavement markings, flex posts, or other physical separation for the exclusive use by and increased safety of bicyclists or users of micromobility vehicles.

Bicycle locker means a device or structure for storing personal or shared bicycles and micromobility vehicles, that may have a cover and enclosure to protect the bicycles and micromobility vehicles from weather or theft and is not intended for human occupancy.

Bicycle parking means a designated area to store a bicycle, whether personal or shared, including, but not limited to, bicycle racks, bicycle lockers, bicycle shelters, and dedicated docks and kiosks used in a shared system for bicycles or micromobility vehicles.

Bicycle rack means a rack for a personal or shared bicycle or micromobility vehicle.

Bicycle rail means a traffic control device that provides a protective barrier between motor vehicle travel lanes and bicycle lanes.

Bicycle shelter means a canopy structure above a bicycle rack for a personal or shared bicycle or micromobility vehicle that provides partial weather protection of the rack and bicycles or micromobility vehicles.

Bulb out means feature that extends the line of the curb into the traveled way, reducing the width of the street,

also known as curb extensions or bump-outs.

Building means a constructed work created principally to shelter any form of human activity, including, but not limited, to mobile and manufactured homes and alternative transportation facilities that are buildings.

Building energy control system means a mechanical system enabling a building occupant to manage or monitor energy use and all components of such system, including, but not limited to, programmable thermostats, digital outdoor reset controls, occupancy sensors, Underwriters Laboratories-listed energy management systems or building automation systems, demand response and virtual power plant technologies, smoke and carbon monoxide detectors, and related technologies.

Building safety system means fire alarm, fire suppression, and security systems and equipment.

Character-defining feature means an element of a historic property that demonstrates or includes the characteristics of a historic property that qualify the historic property for inclusion in the National Register of Historic Places, including elements that contribute to the historic property's overall shape, style, design, setting, and decorative details.

Clean energy technologies means solar energy systems, wind energy systems, battery energy storage systems, geothermal systems, and microgrids serving a building or buildings, or serving alternative transportation infrastructure.

Community solar system means a solar photovoltaic installation with up to 5 megawatts nameplate capacity and delivering at least 50 percent of the power generated from the system to buildings within the same utility territory as the facility.

Cool pavement means paving materials that reflect more solar energy, enhance water evaporation, or have been otherwise modified to remain cooler than conventional pavements.

Contributing property, as provided in National Register Bulletin 16A, ''How to Complete the National Register Registration Form,'' means a building, structure, object, or site, as applicable, within the boundaries of a historic district that adds to the historic associations, historic architectural qualities, or archaeological values for which a property is significant because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; or it independently meets the criteria for the National Register of Historic Places.

Day means calendar day, taking place from one midnight to the following midnight.

Economic feasibility means the viability, suitability, and practicality of a proposed undertaking in light of a range of considerations, including, but not limited to, estimated construction costs (including, but not limited to, the cost of building materials and labor), estimated operational costs, material availability and life cycle, available budget, and the long-term sustainability of the undertaking.

Effect, as provided in 36 CFR 800.5(a)(1) and 800.16(i), means a direct, indirect, reasonably foreseeable, or cumulative impact or alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places.

Electrification means the replacement or conversion of an energy-consuming device or system from nonelectric sources of energy to electricity; or the replacement or conversion of an inefficient electric appliance to an efficient electric appliance.

Electric vehicle supply equipment or *EVSE* means conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.

EVSE criteria means: (1) taking place in existing parking facilities with no major electrical infrastructure modifications and are located as close to an existing electrical service panel as practicable; (2) using reversible, minimally invasive, nonpermanent techniques to affix the infrastructure; (3) minimizing ground disturbance to the maximum extent possible, and ensure that it does not exceed previous levels of documented ground disturbance; (4) using the lowest profile equipment reasonably available that provides the necessary charging capacity; (5) placing the EVSE in a minimally visibly intrusive area; and (6) using colors complementary to surrounding environment, where possible.

Federal agency means an agency as defined by 5 U.S.C. 551(1), and for purposes of this Program Comment, the term federal agency includes state, local, or Tribal governments that have been delegated or assumed legal responsibility for compliance with Section 106 pursuant to federal statutory authority such as that under the provisions of the Housing and Community Development Act of 1974 at 42 U.S.C. 5304(g).

Flex post means flexible bollards or delineators used to separate motor vehicle traffic from a bicycle lane and designed to withstand being hit or run over by motor vehicles.

Green infrastructure means the range of measures that use plant or soil systems, permeable ground surface materials, stormwater harvest and reuse, or landscaping to store, infiltrate, and evapotranspirate stormwater and reduce flows to sewer systems or to surface waters, including, but not limited to, rain gardens, bioswales, bioretention facilities, and other ecosystem services and nature-based solutions used to treat stormwater as close to the source as possible and improve resiliency.

Ground disturbance means any activity that moves, compacts, alters, displaces, or penetrates the ground surface of any soils.

Ground surface material means any hard material typically used to cover soils for transportation purposes, including but not limited to asphalt, concrete, pavers, cobblestones, Belgian blocks, bricks, gravel surface or base, or wood.

Hazardous material means lead, lead-containing material (including, but not limited to, lead-based paint), asbestos, asbestos-containing material (including, but not limited to, floor tile, plaster, insulation, glazing putty, roofing material, and flashing material), radon, and other similar materials detrimental to human health and safety.

High friction surface treatment means application of very high-quality aggregate to pavement using a polymer binder to restore or maintain pavement friction.

Historic building means a building included in, or eligible for inclusion in, the National Register of Historic Places, as an individually listed property or as a contributing property to a historic district.

Historic building material means building material used in the construction of a historic building and installed during the period of significance, and any pre-existing in-kind replacement of same.

Historic district, as provided in 36 CFR 60.3(d), means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of historic sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Historic property, as provided in 36 CFR 800.16(l), means any prehistoric or

historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural significance to an Indian Tribe or Native Hawaiian Organization that meet the National Register of Historic Places criteria.

Housing means any building containing or proposed to contain one or more dwelling units, including, but not limited to, multi-unit apartment buildings, single-family homes, administrative and employee dwelling units, and recreation residences, in a variety of building types and configurations, including, but not limited to, buildings served by an elevator or elevators, ''walk-up'' buildings, rowhouses, semi-detached homes, mobile and manufactured homes, barracks, and freestanding homes.

Indian Tribe, as provided in 36 CFR 800.16(m), means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

In-kind building materials means new building materials that are identical to historic building materials in all possible respects, including in composition, design, color, texture, size, dimension, and other physical and visual properties.

In-kind replacement means replacement of historic building materials with in-kind building materials or replacement of other existing materials, elements, or equipment with new materials, elements, or equipment that are physically and visually similar in all possible respects.

Installation means the action or process of placing or re-placing something, including, but not limited to, materials, mechanical systems and components, appliances, and equipment, or of being installed, in a particular location.

Maintenance means activities required to maintain in an operational state, or to bring back to operating condition.

Mechanical system means any heating, cooling, indoor air quality, ventilation, dehumidification, air conditioning, plumbing, or electrical system, and the individual elements and components of each system, including, but not limited to, heat pumps, electric furnaces and boilers, vented space heaters, electric heat systems, electronic ignition devices, central air conditioners, window air conditioners, evaporative coolers, condensers, compressors, heat exchangers, air exchangers, ventilation systems, waste heat recovery devices (including, but not limited to, desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment), adjustable speed drives, duct and pipe systems (including, but not limited to, return ducts, diffusers, registers, air filters, and thermostatic radiator controls), refrigeration lines, and building energy control systems.

Micromobility vehicle means small, lightweight vehicles such as e-bicycles and scooters, which can be human-powered or electronic, privately owned or shared, and operate at low to moderate speeds of approximately 15 to 30 miles per hour.

National Historic Landmark, as provided in 36 CFR 800.16(p), means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

Native Hawaiian, as provided in 36 CFR 800.16(s)(2), means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

Native Hawaiian Organization, as provided in 36 CFR 800.16(s)(1), means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

Nonsignificant façade means any exterior façade of a building which does not contribute to the historic significance of the building.

Permeable ground surface materials means permeable pavement, permeable pavers, porous flexible pavement, or other material or system that provides a hard surface, while allowing water to flow through to the underlying soils instead of into the storm sewer.

Potentially historic ground surface materials means any ground surface materials that are 45 years or older, including, but not limited to, those comprised of pavers, cobblestones, Belgian blocks, bricks, or wood and those involving earthworks or roofs of structures entirely underground.

Previously disturbed ground means, in the determination of the federal agency and in consideration of the vertical and horizontal dimensions of as-built drawings and plans, available information about original construction and installation techniques (including the use or presence of fill), and available surveys: soils not likely to possess intact and distinct soil horizons and have a reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated, including previously disturbed right-of-way, and does not mean areas that have been shallowly disturbed (such as via plowing) and does not mean areas in which the previous disturbance occurred sufficiently long ago to allow for subsequent deposit of cultural resources that are now more than 45 years old (such as historic urban deposits).

Previously disturbed right-of-way means areas where previous construction or other activities have physically altered soils within the three-dimensional area of potential effects to the point where there is likely no potential for a historically significant property to remain, including, but not limited to the following: the entire curb-to-curb roadway, existing sidewalks, existing drains, and parking areas, including, but not limited to, the prepared substrate constructed to support the infrastructure down to undisturbed or intact soil or subsoil.

Primary space means lobby, ceremonial room, ground-floor hallway (unless primarily used for utility purposes), and any other public space containing a concentration of character-defining features and located in a historic building.

Qualified professional means a person who meets the relevant standards for the appropriate corresponding discipline outlined in the Secretary of the Interior's Professional Qualifications Standards, as amended and annotated.

Rail infrastructure means structures, buildings, land, and equipment used for rail travel, including, but not limited to, both the infrastructure that is in the rail right-of-way (such as ballast, ties, tracks, bridges, and tunnels) and the infrastructure that is adjacent to the right-of-way such as signs, signals, mileposts, or switches.

Recognized design manual means one of the following transportation manuals: Federal Highway Administration Manual on Uniform Traffic Control Devices, American Association of State Highway and Transportation Officials A

Policy on Geometric Design of Highways and Streets, National Association of City Transportation Officials (NACTO) Urban Street Design Guide, NACTO Urban Bikeway Design Guide, NACTO Transit Street Design Guide, NACTO Bike Share Station Siting Guide, or NACTO Urban Street Stormwater.

Records check means a search of relevant and available Indian Tribe, SHPO, THPO, Native Hawaiian Organization, local preservation or planning office, and federal agency files, records, inventories, and databases, and other sources recommended by such parties, for information about whether historic properties, including, but not limited to, properties with traditional religious and cultural significance to one or more Indian Tribes or Native Hawaiian Organizations, are known to exist within an area of potential effects.

Repair means fix or mend obsolete, broken, damaged, or deteriorated features, elements, materials, and systems.

Replacement means substitution of new material, element, or equipment for an existing material, element, or equipment, including in-kind replacement and including substitution requiring a change in composition, design, color, texture, size, dimension, location, or configuration in order to improve the function and condition of the material, element, or equipment or the broader system of which the material, element, or equipment is a part.

Resilience means the ability to prepare for threats and hazards, adapt to changing conditions, and withstand and recover rapidly from adverse conditions and disruptions.

Right-of-way means land developed or designated for the public passage of people using any mode of transportation, including transit.

Solar energy system means any addition, alteration, or improvement which is designed to utilize solar energy either of the active type based on mechanically forced energy transfer or of the passive type based on convective, conductive, or radiant energy transfer, or some combination of these types to reduce the energy requirements of that structure from other energy sources, including, but not limited to, solar hot water equipment, community solar systems, and solar photovoltaic equipment and all components.

State Historic Preservation Officer, or *SHPO,* as provided in 36 CFR 800.16(v), means the official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act (54 U.S.C. 302301(1)) to administer the state historic preservation program or a representative designated to act for such official.

Technical feasibility means the viability, suitability, and practicality of a proposed undertaking in light of a range of considerations, including, but not limited to, health, safety, energy efficiency, resilience, durability of materials, and sound professional judgment (including, but not limited to, architectural, archaeological, or engineering judgment).

Transit means mass transportation by a conveyance (including, but not limited to, a bus, railcar, locomotive, trolley car, or light rail vehicle) that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

Transit shelter means a canopy structure or other structure open to the elements on at least one side, which provides partial weather protection for users of transit, such as those provided at city bus stops or along rail platforms.

Tribal Historic Preservation Officer, or *THPO,* as provided in 36 CFR 800.16(w), means the Tribal official appointed by the Indian Tribe's chief governing authority or designated by a Tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on Tribal lands in accordance with Section 101(d)(2) of the National Historic Preservation Act (54 U.S.C. 302702).

Tribal lands, as provided in 36 CFR 800.16(x), means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

Undertaking, as provided in 36 CFR 800.16(y), means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.

Appendix A: Undertakings Not Requiring Further Review

1. Site Work

The following undertakings do not require further Section 106 review:

a. Maintenance or repair of any of the following existing elements, provided such activity is limited to previously disturbed ground or creates no new ground disturbance:

i. Concrete and asphalt ground surfaces such as streets, parking areas, driveways, alleys, ramps, sidewalks, and walkways, including repaving, restriping, replacing such surfaces with permeable ground surface materials, sealing (including installation of slurry seals, overlays, and seal coatings), filling, milling, grinding, grooving, and reducing surface size, but not changing vertical alignment, penetrating the ground beneath the lowest depth of the existing ground surface materials, or expanding surface size.

ii. Park, playground, and sports equipment such as platforms, guardrails, handrails, climbers, ramps, stairways, ladders, balance beams, fitness equipment, rings, rolls, un-mechanized merry-go-rounds, seesaws, slides, swings, netting, basketball hoops, drinking fountains, and ground surface materials.

iii. Fencing.

iv. Wayfinding, address, and identification signage.

v. Lighting, such as building-mounted lighting and freestanding lighting in parking areas, along driveways or walkways, or in landscape elements (such as planted beds), or in park and playground areas, and including, but not limited to, relamping and rewiring.

vi. Water features, such as decorative fountains, including, but not limited to, replumbing.

vii. Curbs, gutters, steps, ramps, and retaining walls.

viii. Above-ground utilities, including overhead wires, anchors, crossarms, transformers, monopole utility structures placed in augur holes, and other miscellaneous hardware.

ix. Below-ground utilities, including underground water, sewer, natural gas, electric, telecommunications, drainage improvements, septic systems, and leaching systems, within 10 feet of a building.

x. Bulb outs, crosswalks (including, but not limited to, raised crosswalks across roadways and raised intersections), traffic calming devices (including, but not limited to, speed humps and speed tables), or islands (including, but not limited to, pedestrian islands and corner islands to separate or protect bicycles).

xi. High friction surface treatments, cool pavements, permeable ground surface materials, and rumble strips.

xii. Green infrastructure, sprinkler heads, irrigation lines, and gray water systems.

xiii. Benches, tables, and freestanding planters.

xiv. Vault toilets.

b. Any of the following landscaping, grounds, and water management activities, provided such activity is limited to previously disturbed ground or creates no new ground disturbance:

i. Fertilizing, pruning, trimming, mowing, deadheading, weeding, sheering, feeding, seeding, reseeding, mulching, aerating, and maintaining, as applicable, grass, shrubs, other plants, and trees.

ii. Planting of grass, shrubs, and other plants, and xeriscaping.

iii. Replacement of a tree in, or within 10 feet of, its existing location.

iv. Removal of grass, shrubs, brush, leaves, other plants, invasive species, dead plant and tree material, and diseased or hazardous trees.

v. Removal of rocks, litter, and debris by hand or using small equipment, but not rocks arranged in a rock wall or other man-made feature.

vi. Removal of small conifers growing between mature trees.

vii. Removal of sediment, silt, and debris from man-made drainage facilities, including retention and detention basins, ponds, ditches, canals, and sumps.

c. Test borings, soil sampling, well drilling, or perc tests less than eight inches in diameter.

d. Installation or removal of temporary construction-related structures, including, but not limited to, scaffolding, barriers, screening, sediment-capture devices, fences, protective walkways, signage, office trailers, cofferdams, and restrooms, provided such activity is limited to previously disturbed ground or creates no new ground disturbance and that such activity does not damage any existing building or structure.

e. Elevation of the ground surface within previously disturbed right-of-way by up to 18 inches to maintain, create, or connect alternative transportation infrastructure, or to facilitate boarding and disembarking at transit facilities, provided such activity is limited to previously disturbed ground or creates no new ground disturbance.

f. Removal of a deteriorated or damaged mobile or manufactured home or other temporary building or structure, not including removal of foundations.

2. Work on a Building Exterior

The following undertakings do not require further Section 106 review when conducted on the exterior of a building:

a. Maintenance or repair of any of the following existing elements:

i. Doors, including, but not limited to, insulated exterior doors and basement bulkhead doors.

ii. Windows, including, but not limited to, storm windows, glazing treatments, window jambs, window sills, solar screens, awnings, and window louvers.

iii. Siding.

b. Maintenance or repair of any of the following existing elements, or in-kind replacement of any above-ground components of any of the following existing elements:

i. Mechanical systems.

ii. Building safety systems.

iii. Canopies, awnings, and solar shades.

iv. Roofing, including, but not limited to, cladding and sheeting, flashing, gutters, soffits, downspouts, eaves, parapets, and reflective or energy efficient coating; fasteners and ties to attach roofing to structural elements; white roofs or cool roofs on flat roofs; and green, sod, or grass roofs on flat roofs.

v. Accessibility improvements.

vi. Clean energy technologies.

vii. Elevator system equipment.

viii. Hardware, such as dead bolts, door hinges, latches and locks, window latches, locks and hinges and door peepholes.

ix. Foundations and foundation vents.

x. Chimneys.

xi. Vents, including, but not limited to, continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit vents, or frieze board vents.

xii. Energy and water metering devices.

xiii. Building-mounted utility infrastructure, including, but not limited to, wires and anchors.

xiv. Installation of stanchions, fasteners, or tracks for flood shields.

c. Replacement or installation of any of the following elements:

i. Above-ground elements of an accessibility improvement, if installed with methods that do not irreversibly damage historic building materials.

ii. Above-ground elements of a radon mitigation system, if any pipe used in a radon mitigation system and visible from the building exterior has a diameter of no more than four inches and is painted or colored to match or complement the color of the building exterior.

iii. Building-mounted solar energy system if such system is installed with methods that do not irreversibly damage historic building materials, sits within eight inches of the roof, and has a profile that matches the roof profiles (such as pitched or hip roofs) or if on a flat roof has a profile with a slope not exceeding 20 percent.

d. Any of the following maintenance or repair activities:

i. Caulking, weatherstripping, reglazing of windows, installation of door sweeps, and other air infiltration control measures on windows and doors.

ii. Repointing of mortar joints with mortar matching in composition, joint profile, color, hardness, and texture of existing mortar.

iii. Removal of exterior paint or graffiti using nondestructive means, limited to hand scraping, low-pressure water wash of less than 500 psi, heat plates, hot air guns, and chemical paint removal and not including sandblasting of masonry more than 45 years old.

e. Application of paint or stain on previously painted or previously stained exterior surfaces, provided that no historic decorative paint schemes or colors (such as graining, stenciling, marbling) will be covered and provided that for masonry more than 45 years old, there will be no use of nontraditional or historically inappropriate masonry coatings, including painting of previously unpainted historic masonry, masonry consolidants, and waterproof or water-repellant coatings.

f. Abatement of hazardous materials, including the maintenance, repair, replacement or installation of equipment or materials necessary to abate hazardous materials, where effects of the abatement are not visible on the building exterior, and the abatement either is limited to previously disturbed ground or creates no new ground disturbance.

3. Work on a Building Interior

The following undertakings do not require further Section 106 review when conducted entirely in the interior of a building:

a. Maintenance or repair of any of the following existing elements:

i. Walls, ceilings, and flooring.

ii. Doors.

iii. Light fixtures.

iv. Elevator system equipment.

v. Hardware, such as dead bolts, door hinges, latches and locks, window latches, locks and hinges and door peepholes.

vi. Chimneys.

vii. Skylights, atria, courtyards, or lightwells.

b. Maintenance, repair, or in-kind replacement of any of the following existing elements:

i. Mechanical systems.

ii. Building safety systems.

iii. Light bulbs, ballasts, exit signs, HID fixtures, and lighting technologies such as dimmable ballasts, day lighting controls, and occupant-controlled dimming.

iv. Battery energy storage systems.

v. Thermal insulation, other than closed cell spray foam, in or around walls, floors, ceilings, attics, crawl spaces, mechanical systems, and foundations, where such insulation can be installed and removed without damaging exterior walls, and where such insulation will not cause condensation that could damage exterior walls—even if such insulation increases interior wall thickness.

vi. Accessibility improvements.

vii. Foundations and foundation vents.

viii. Energy and water metering devices.

c. Maintenance, repair, replacement, installation, or removal of household or kitchen appliances, where such appliances are Energy Star rated, or replace existing appliances with appliances with equivalent or higher Energy Star ratings, or replace existing nonelectric appliances with electric appliances.

d. Replacement, installation, or removal of interior walls, ceilings, flooring, doors, light fixtures, hardware, mechanical systems, building safety systems, thermal insulation, or accessibility improvements within an individual housing unit or in areas on upper floors that are not lobbies and not ceremonial rooms.

e. Caulking, weather-stripping, and other air infiltration control measures in and around bypasses, penetrations, ducts, and mechanical systems.

f. Application of paint or stain on previously painted or previously stained interior surfaces, provided that no decorative paint schemes or colors (such as graining, stenciling, or marbling) will be painted or stained.

g. Abatement of hazardous materials, including the maintenance, repair, replacement or installation of equipment or materials necessary to abate hazardous materials, where effects of the abatement are not visible from the building interior or are only visible from within an individual housing unit and not otherwise visible from the building interior.

4. Work Involving Transportation Fixtures and Equipment

The following undertakings do not require further Section 106 review, provided they are located entirely within the previously disturbed right-of-way and they follow the specifications of a recognized design manual (if and to the extent covered in any such manual):

a. Maintenance, repair, replacement, installation, or removal of the following elements:

i. Bicycle racks or dedicated docks or kiosks used in a shared system for bicycles or micromobility vehicles.

ii. Bicycle rails.

iii. Flex posts.

iv. Concrete or stone blocks affixed to the ground by their weight.

v. Marks on the ground surface for visibility and delineation, including, but not limited to, striping for bicycle lanes, thermoplastic striping and paint, painted sidewalk extensions, sidewalk stencils, marks for bicycle parking, and paint in zones of potential conflict between bicyclists and motor vehicle drivers.

vi. Detectable warnings on or before a curb, entry point, crosswalk, or accessible facility.

b. Maintenance or repair of any of the following existing elements, or in-kind replacement or removal of any above-ground components of any of the following elements:

i. Signs, signals, traffic control devices, or signalization, including, but not limited to, any such elements that are accessibility improvements.

ii. Cameras, masts, wiring, and other equipment and fixtures used for automatic traffic enforcement, tolling, monitoring of motor vehicle traffic, or security purposes.

iii. Tracks, including, but not limited to, ballasts and ties.

iv. Clean energy technologies supporting alternative transportation infrastructure.

v. Signal bridges.

vi. Transformers, breakers, switches, and other electrical components.

vii. Catenary systems supporting alternative transportation infrastructure.

c. Maintenance or repair of the following existing elements, or in-kind replacement or removal of any above-ground components of the following elements:

i. Bollards.

ii. Ticket dispensing structures, fee collection structures, or interpretive wayside exhibit structures.

iii. Transit shelters, bicycle lockers, or bicycle shelters.

5. Other Activities

The following activities lack any potential to cause adverse effects and therefore do not require further Section 106 review:

a. Energy audits, life cycle analyses, energy performance modeling, and retrocommissioning studies.

b. Feasibility studies related to energy efficiency improvements, electrification, improvements incorporating clean energy technologies, and other topics relating to building energy use.

c. Leasing, refinancing, acquisition, or purchase by the federal agency or by another entity receiving federal financial assistance (such as a state, Tribal, or local government; or joint venture; railroad commission; compact authority; port authority; transit agency or authority; private company; or other project sponsor), of: buildings, energy efficiency or electrification materials or equipment, clean energy technologies, railway rights-of-way for the maintenance, development, or expansion of rail-to-trail pathways or passenger rail service, and fleets of bicycles, micromobility vehicles, hybrid or electric vehicles, or electric locomotives, provided that any changes in use or access, or any physical actions related to such activities must separately undergo Section 106 review if and as required, and pursuant to the standard review process or to applicable agreements or program alternatives.

d. Direct home mortgages or mortgage guarantees for homeowners.

e. Transfer, lease, or sale of a federal government-owned building or alternative transportation infrastructure from one federal agency to another federal agency, provided that any changes in use or access, or any physical actions related to such activities, must separately undergo Section 106 review if and as required, and pursuant to the standard review process or to applicable agreements or program alternatives.

f. A decision to limit motor vehicle access to, through, or on streets that remain available for walking, bicycling, micromobility vehicle, or transit uses, including, but not limited to, ''play streets,'' ''school streets,'' ''safe route to school'' streets, ''open streets,'' tolling, or congestion pricing, provided that any changes in use or access, or any physical actions related to such activities, must separately undergo Section 106 review if and as required, and pursuant to the standard review process or to applicable agreements or program alternatives.

g. Maintenance, repair, replacement, and installation of electric vehicle supply equipment satisfying the EVSE criteria.

h. Treatment for pests, rodents, insects, and termites that does not visibly alter or obscure the structural, architectural, or decorative features of a building.

Appendix B: Undertakings Not Requiring Further Review After the Satisfaction of Conditions, Exclusions, or Requirements

1. Written Determinations

Certain undertakings listed in this Appendix B, due to their nature and potential effects, require a federal agency to make a written determination before the federal agency may proceed with the undertaking. Applicable review processes and criteria for each type of determination are outlined below. After making any such determination, the federal agency shall include the determination and relevant documents (such as SHPO and THPO comments, completed surveys, or context studies, as applicable) forming the basis of such determination in its administrative record. If the federal agency cannot make a written determination required by this Appendix B to proceed with the undertaking, the federal agency must follow the Section 106 review process under 36 CFR 800.3 through 800.7 or 36 CFR 800.8(c), or another applicable agreement or program alternative.

a. Type A Determination for Certain Activities

A Type A Determination requires the federal agency to determine that the undertaking is limited to previously disturbed ground, creates no new ground disturbance, or will have no adverse effects on any historic property based on a written statement from a qualified professional meeting the professional standards for archaeology established by the Secretary of the Interior, or from the relevant SHPO or the relevant THPO.

b. Type B Determination for Certain Activities

A Type B Determination requires the federal agency to identify the area of potential effects in accordance with 36 CFR 800.4 and to determine that the undertaking will have no adverse effects on any historic properties within the area of potential effects: (a) after (i) consultation with Indian Tribes and Native Hawaiian Organizations in accordance with Section III.B. of this Program Comment and (ii) receipt of a written statement that the undertakings will have no adverse effects on any historic property from either a qualified professional meeting the applicable professional standards established by the Secretary of the Interior or from the relevant SHPO or THPO; or (b) after completion of or receipt of a field survey of the area of potential effects completed within the past 10 years, where such survey is acceptable to current state or Tribal standards and, if applicable, has been subject to consultation with Indian Tribes and Native Hawaiian Organizations, without such consultation or survey identifying any historic properties in the area of potential effects.

c. Type C Determination of Historic Building Status

A Type C Determination applies to buildings 45 or more years old and requires the federal agency to make a written determination that such a building is not a historic building on the basis of either: (a) a records check for prior determinations of historic building status; or (b) in lieu of a records check or if the records check yields no information about the subject property, the receipt of a written statement from a qualified professional meeting the professional standards for historic architecture, history, or architectural history established by the Secretary of the Interior or the relevant SHPO that such building is not a historic building. In making such a determination, the federal agency should be aware that buildings less than 50 years old may still possess ''exceptional significance'' in accordance with the National Register of Historic Places criteria. If a building is less than 45 years old, then a Type C Determination is not required.

d. Type D Determination for Window, Door, and Siding Replacements

A Type D Determination applies to undertakings involving the replacement of a window, door, or siding of a historic building or of a building that has not received a Type C determination. A Type D Determination requires that the federal agency make a written determination: (a) after receipt of a written statement from a qualified professional meeting the applicable professional standards established by the Secretary of the Interior or the SHPO that any replacement window, door, or siding is an in-kind building material; or (b) after the federal agency makes a Type G Determination and determines that the replacement of a window or windows, door or doors, or siding as

applicable, will reduce energy use intensity, carbon use intensity, and/or total carbon emissions of the building when both embodied and operational carbon are calculated over a 40-year life cycle for replacement versus retrofit of the existing element.

e. Type E Determination for Character-Defining Features and Non-Significant Façades

A Type E Determination applies to historic buildings and buildings 45 or more years old. A Type E Determination requires that the federal agency make a written determination that a proposed action will not affect a character-defining feature of the building façade or that the effects of a proposed action will be limited to a non-significant façade, after receipt of a written statement indicating as much from a qualified professional meeting the applicable professional standards established by the Secretary of the Interior or from the relevant SHPO. In making such a statement for a building 45 or more years old but not deemed to be a historic building, the individual making the statement must apply identical standards to such building as if it were a historic building. If a building is less than 45 years old or a Type C Determination has been made, then a Type E Determination is not required. If a federal agency has developed a context study or other survey for a particular type of historic building, and that study or survey identifies typical character-defining features or non-significant façades for such historic buildings, the federal agency may rely on that study or survey in determining whether particular features are character-defining features or non-significant façades.

f. Type F Determination for Character-Defining Features and Primary Spaces

A Type F Determination applies to historic buildings and buildings 45 or more years old. A Type F Determination requires that the federal agency make a written determination that a proposed action will not affect a primary space at all, or will not have adverse effects on a character-defining feature in a primary space, after receipt of a written statement indicating as much from a qualified professional meeting the applicable professional standards established by the Secretary of the Interior or from the relevant SHPO. In making such a statement for a building 45 or more years old but not deemed to be a historic building, the individual making the statement must apply identical standards to such building as if it were a historic building, and all lobbies, ceremonial rooms, and ground-floor hallways (unless primarily used for utility purposes) shall automatically be deemed primary spaces. If a building is less than 45 years old or a Type C Determination has been made, then a Type F Determination is not required. If a federal agency has developed a context study or other survey for a particular type of historic building, and that study or survey identifies typical character-defining features or primary spaces for such historic buildings, the federal agency may rely on that study or survey in determining whether particular features are character-defining features or primary spaces.

g. Type G Determination for Substitute Building Material Replacements

A Type G Determination applies to undertakings involving the replacement of historic building materials with substitute building materials. A Type G Determination requires that the federal agency make a written determination—on the basis of a written statement from either a qualified professional meeting the applicable professional standards established by the Secretary of the Interior or from the relevant SHPO—that the substitute building material is appropriate based on the following factors: (a) the character of existing historic building materials in terms of condition, design, material properties, performance (including, but not limited to, insulation and air sealing value), safety, and presence of hazards such as lead-based paint, asbestos, or other hazardous materials; (b) the technical feasibility and economic feasibility of repairing or replacing the historic building materials; and (c) the suitability of available substitute building materials, with attention to composition, design, color, texture, size, dimension, and other physical and visual properties.

h. State Historic Preservation Officer and Tribal Historic Preservation Officer Reviews

When a federal agency elects to request a statement from a SHPO or THPO pursuant to this Appendix B, the SHPO shall have 30 days to review and respond to an adequately documented request by a federal agency for a statement pursuant to this Section. If the SHPO or THPO requests additional, missing information in order to make its statement, the SHPO shall have 30 days from receipt of the additional information to respond. If the SHPO or THPO does not respond within 30 days of receipt of the request or the amended request, as applicable, then the statement shall be deemed to have been made. If the SHPO or THPO declines to make the requested statement, then the federal agency must either obtain the requested statement from a qualified professional as prescribed above or must follow the Section 106 review process under 36 CFR 800.3 through 800.7 or 36 CFR 800.8(c), or another applicable agreement or program alternative.

2. Site Work

The following undertakings do not require further Section 106 review after the satisfaction of the following conditions, exclusions, or requirements:

a. Replacement of any element listed in Appendix A, Section 1.a., after a Type A Determination has been made.

b. Removal of any element listed in Appendix A, Section 1.a., after a Type B Determination has been made.

c. Installation of any element on the same lot as a building or within an existing right-of-way and listed in Appendix A, Section 1.a., after a Type B Determination has been made.

d. Planting a tree (other than replacing a tree per Appendix A, Section 1.b.iii.), after a Type A Determination has been made.

e. Test borings, soil sampling, well drilling, or perc tests more than eight inches in diameter, after a Type B Determination has been made.

f. Any of the undertakings listed in Appendix A, Sections 1.d., 1.e. or 1.f. that have the potential for new ground disturbance, after a Type B Determination has been made.

g. Removal of oil tanks, septic tanks, or hazardous materials, provided such activity is limited to previously disturbed ground or creates no new ground disturbance, after a Type B Determination has been made.

3. Work on a Building Exterior

The following undertakings do not require further Section 106 review, when conducted on the exterior of a building, after the satisfaction of the following conditions, exclusions, or requirements:

a. Replacement, installation, or removal of any of the elements listed in Appendix A, Section 2.a., after a Type C or Type D Determination has been made.

b. Replacement, installation, or removal of any of the elements (whether above-ground or below-ground) listed in Appendix A, Section 2.b., if a Type C or Type E Determination has been made; provided, however, that replacement, installation, or removal of an accessibility improvement or solar energy system as set forth in Appendix A, Section 2.c., may be made without a Type C or Type E Determination.

c. Abatement of hazardous materials where effects of the abatement may be visible from the building exterior, if a Type C or Type E Determination has been made.

d. Abatement of hazardous materials where effects of the abatement have the potential for new ground disturbance, after a Type B Determination has been made.

4. Work on a Building Interior

The following undertakings do not require further Section 106 review, when conducted entirely in the interior of a building, after the satisfaction of the following conditions, exclusions, or requirements:

a. Replacement, installation, or removal of any of the elements listed in Appendix A, Section 3.a. or Section 3.b., after a Type C or Type F Determination has been made; provided, however, that replacements or installations set forth in Appendix A, Section 3.d., may be made without a Type C or Type F Determination.

b. Abatement of hazardous materials where effects of the abatement may be visible from the building interior (other than from the interior of an individual housing unit), after a Type C or Type F Determination has been made.

5. Work Involving Transportation Fixtures and Equipment

The following undertakings do not require further Section 106 review, provided they are located entirely within the previously disturbed right-of-way and they follow the specifications of a recognized design manual (if and to the extent covered in any such manual), after the satisfaction of the following conditions, exclusions, or requirements:

a. Replacement or removal of any of the elements listed in Appendix A, Section 4.b., but if replacement is other than in-kind replacement of exclusively above-ground elements or removal involves below-ground

elements or otherwise causes ground disturbance, only after a Type B Determination has been made.

b. Installation of signs, signals, traffic control devices, or signalization supporting alternative transportation infrastructure, or installation of any of the elements (whether above-ground or below-ground) listed in Appendix A, Section 4.b.ii., after a Type B Determination has been made.

c. Installation of clean energy technologies supporting alternative transportation infrastructure, after a Type B Determination has been made.

d. Installation of any of the following elements after a Type A Determination has been made:

i. Bollards no taller than 48 inches and no larger in diameter than 12 inches.

ii. Ticket dispensing structures, fee collection structures, or interpretive wayside exhibit structures, 6 feet or less in height and 3 square feet or less in horizontal cross-section area, in addition to height or cross-section needed to incorporate solar power into such structures.

iii. Transit shelters, bicycle lockers, or bicycle shelters with a combined dimension (length plus width plus height) less than 30 linear feet and with advertising space no greater than 24 square feet visible at any one time.

Appendix C: Format for Authorization by an Indian Tribe for Use of This Program Comment on Its Tribal Lands

On behalf of [NAME OF INDIAN TRIBE] and as a duly authorized representative of such Tribe, I authorize federal agencies to utilize the Program Comment on the Tribal Lands of the [NAME OF INDIAN TRIBE]. This authorization is in effect until the withdrawal or termination of the Program Comment or on the date of receipt by the Executive Director of the Advisory Council on Historic Preservation that [NAME OF INDIAN TRIBE] has rescinded its authorization, which it may do at any time.

For further information, please contact: [Tribal Contact; Name and Contact Information].

Signed by:

[Signature]
Name:
Title:
Date:

Acknowledged and accepted by the ACHP:

[Signature—leave blank]
Name:
Title:
Date:

(END OF DOCUMENT)

Authority: 36 CFR 800.14(e).

Dated: March 25, 2025.

Kelly Y. Fanizzo,

Deputy General Counsel.

[FR Doc. 2025–05438 Filed 4–1–25; 8:45 am]

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