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Executive Order 14284 of April 24, 2025

The President

Strengthening Probationary Periods in the Federal Service

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered:

Section 1. Purpose. The American people deserve a Federal workforce that is high-quality, efficient, dedicated to the public interest, and no larger than necessary. Probationary periods (for employees in the competitive service) and trial periods (for employees in the excepted service) have provided a longstanding critical tool to assess the fitness of newly hired Federal employees before finalizing their appointments to Federal service.

The Government Accountability Office has documented, however, that agencies have not been using probationary and trial periods as effectively as they could to remove appointees whose continued employment is not in the public interest. As a result of this failure to remove poor performers, agencies have often retained and given tenure to underperforming employees who should have been screened out during their probationary period.

Conditions of good administration require that agency approval should be required before probationary employees become tenured Federal employees. As the Merit Systems Protection Board recommended in its 2005 report *The Probationary Period: A Critical Assessment Opportunity*, there should be “procedures so that a probationer does not automatically become an employee in the absence of agency action.” And in the absence of agency certification that the probationer will be an asset to the Government, “the probationer’s employment should automatically terminate upon the expiration of the probationary period.” This order directs this commonsense change.

Further, the regulations at subpart H of part 315 of title 5, Code of Federal Regulations, which purport to limit agency action with respect to employees serving a probationary period, are not statutorily required, place undue burdens on agencies in terminating probationary employees, and deter managers from undertaking that effort.

To ensure that agencies make better use of probationary and trial periods, this order issues a new Civil Service Rule XI that will supersede subpart H. Under Civil Service Rule XI, agencies will have to affirmatively determine that the continued employment of individuals serving probationary or trial periods would benefit the Federal service before such appointments are finalized.

Sec. 2. Repeal of Civil Service Rule 2.4. Civil Service Rule II is amended by removing section 2.4 of part 2 of title 5, Code of Federal Regulations.

Sec. 3. Civil Service Rule XI. A new Civil Service Rule XI is added following Civil Service Rule X, to read as follows:

“PART 11—PROBATIONARY AND TRIAL PERIODS (RULE XI)

Sec.

11.1 Scope

11.2 Probationary Period; When Required

11.3 Trial Period; When Required

11.4 Crediting Service

11.5 Completion of Probationary or Trial Period

11.6 Appeals

§ 11.1 Scope

This rule applies to probationary periods in the competitive service and trial periods in the excepted service, except where provided otherwise by statute. It has no application to probationary periods in the Senior Executive Service.

§ 11.2 Probationary Period; When Required

(a) The first year of service of an employee who is given a career or career-conditional appointment in the competitive service under the Civil Service Regulations is a probationary period when the employee:

(1) Was appointed from a competitive list of eligibles.

(2) Was reinstated (including reinstatement from a Reinstatement Priority List), unless during any period of service that affords a current basis for reinstatement the employee completed a probationary period of at least 1 year or served with competitive status under an appointment that did not require a probationary period; provided that the date of reinstatement begins a new 12-month probationary period if one is required under paragraph (a) of this section.

(b) A person who is required to go through a probationary period and then is transferred, promoted, demoted, or reassigned in accordance with the Civil Service Regulations before he or she completes such period is required to complete the remainder of the probationary period in the new position.

(c) Upon noncompetitive appointment to the competitive service under the Postal Reorganization Act (39 U.S.C. 101 *et seq.*), an employee of the Postal Career Service (including a substitute or part-time flexible employee) who has not completed 1 year of Postal service must serve the remainder of a 1-year probationary period in the new agency.

(d) A person who is appointed to the competitive service either by a special appointing authority or by conversion to a career or career-conditional appointment under the Civil Service Regulations must serve a 1-year probationary period unless specifically exempt from such period by the special appointing authority itself.

(e) Employees promoted, transferred, or otherwise assigned, for the first time, to supervisory or managerial positions shall be required to serve a probationary period under terms and conditions prescribed by the Office of Personnel Management (OPM). If an employee is required to concurrently serve both a probationary period in a supervisory or managerial position under 5 CFR part 315, subpart I, and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule, the latter takes precedence and fulfills the requirements of this paragraph.

§ 11.3 Trial Period; When Required

(a) The first year of continuous service in the same or similar position of a preference eligible in the excepted service, or the first 2 years of continuous service in the same or similar position of an individual in the excepted service (other than a preference eligible), is a trial period.

(b) A person who is required to go through a trial period and is transferred, promoted, demoted, or reassigned before he or she completes the trial period is required to complete the remainder of the trial period in the new position.

(c) An individual who separates from the Federal service for a period of more than 30 days after completing a trial period, and who subsequently is reappointed to an excepted service position, must complete a new trial period unless such individual is appointed to the same or a substantially similar position in the same agency as their most recently held position.

§ 11.4 Crediting Service

(a) Prior Federal civilian service (including nonappropriated fund service) counts toward completion of a probationary or trial period, as applicable, when the prior service:

- (1) Is in the same agency, e.g., Department of the Army;
- (2) Is in the same line of work, as determined by the employee's actual duties and responsibilities; and
- (3) Contains or is followed by no more than a single break in service that does not exceed 30 calendar days.

(b) Periods of absence while in a pay status count toward completion of a probationary or trial period. Absence in nonpay status while on the rolls (other than for compensable injury or military duty) is creditable up to a total of 22 workdays. Absence (whether on or off the rolls) due to compensable injury or military duty is creditable in full upon restoration to Federal service. Nonpay time in excess of 22 workdays extends the probationary period or trial period by an equal amount.

(c) The probationary or trial period for part-time employees is computed on the basis of calendar time, in the same manner as for full-time employees. For intermittent employees, i.e., those who do not have regularly scheduled tours of duty, each day or part of a day in pay status counts as one day of credit toward the 260 days or 520 days, as applicable, in a pay status required for completion of a probationary or trial period. Under no circumstances shall the probationary or trial period be completed in less than 1 year of calendar time.

§ 11.5 Completion of Probationary or Trial Period

(a) Agencies shall utilize probationary and trial periods required upon initial appointment or subsequent reinstatement to evaluate employees' fitness and whether their continuation of employment advances the public interest. If not terminated sooner, an employee's service terminates before the end of the tour of duty on the last day of their probationary or trial period unless their agency certifies within the 30 days prior to that date that finalizing their appointment advances the public interest.

(b) A probationary or trial period ends when the employee completes his or her scheduled tour of duty on the day before the anniversary date (or, as applicable, 2-year anniversary date) of the employee's appointment. For example, when the last workday is a Friday and the anniversary date is the following Monday, a probationer will be separated before the end of the tour of duty on Friday if their agency does not make the requisite certification that their continued appointment advances the public interest.

(c) An employee on a probationary or trial period bears the burden of demonstrating why their continuation in employment through the finalization of their appointment to the Federal service is in the public interest.

(d) In determining whether it is in the public interest to finalize the appointment to the Federal service of an employee in a probationary or trial period, the agency head, or his or her designee, may consider, in his or her sole and exclusive discretion:

- (1) the employee's performance and conduct;
- (2) the needs and interests of the agency;
- (3) whether the employee's continued employment would advance organizational goals of the agency or the Government; and
- (4) whether the employee's continued employment would advance the efficiency of the service.

(e) Before an agency terminates the service of an employee serving a probationary or trial period, it shall notify such employee in writing as to the effective date of the action.

(f) If an agency fails to make a certification under Civil Service Rule 11.5 due to an administrative error, the agency head may petition the Director of OPM within 30 days from the date of termination to reinstate the employee.

(g) This section shall not apply to an employee serving a probationary period due to being promoted, transferred, or otherwise assigned, for the first time, to a supervisory or managerial position, unless such employee is required to concurrently serve both a probationary period in a supervisory or managerial position and a probationary or trial period following initial appointment or reinstatement under this Civil Service Rule.

§ 11.6 Appeals

(a) The Director of OPM may by regulation prescribe circumstances under and procedures by which employees terminated from a probationary or trial period may appeal such termination.

(b) Except as otherwise required by law, such appeals shall be the sole and exclusive means of appealing terminations during probationary or trial periods.”

Sec. 4. *Modifications to the Civil Service Regulations.* (a) This order supercedes subpart H of part 315 of title 5, Code of Federal Regulations (Probation on Initial Appointment to a Competitive Position), which is hereby rendered inoperative and without effect. No agency shall give force or effect to its provisions.

(b) The Director of OPM shall within 30 days of the date of this order prepare and publish a rule rescinding subpart H and making conforming amendments.

Sec. 5. *Review During Probationary and Trial Periods.* (a) Within 15 days of the date of this order:

(i) The head of each executive department and agency (agency) shall identify each employee at their agency serving an initial probationary or trial period in the Federal service that ends 90 days or more from the date of this order.

(ii) Each agency head shall designate in writing individuals at their agency who shall be responsible for evaluating the continued employment of employees serving an initial probationary or trial period in the Federal service. Agency heads should limit such designations to those individuals who can properly assess the needs and interests of the organization and alignment with the organizational goals of the agency or the Federal Government.

(b) At least 60 days prior to the end of each employee’s initial probationary or trial period, individuals designated pursuant to subsection (a) of this section shall, to the extent practicable, meet with each employee serving an initial probationary or trial period to discuss the employee’s performance and conduct (based in part on input from the employee’s supervisor), the needs of the agency, and whether the employee’s continued employment would advance the public interest, the organizational goals of the agency, and the efficiency of the service.

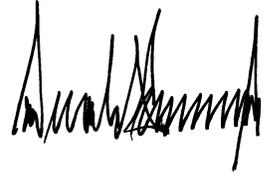
(c) Within 30 days of the end of each employee’s probationary or trial period, the agency head or an individual designated by the agency head pursuant to subsection (a) of this section, consistent with Civil Service Rule XI and other applicable law, shall determine whether to finalize the employee’s appointment to the Federal service, or whether to terminate their service.

(d) Before finalizing an employee’s appointment to the Federal service at the conclusion of the probationary or trial period, the agency head or an individual designated by the agency head pursuant to subsection (a) of this section must certify in writing that such individual’s continued employment will advance the public interest.

Sec. 6. *Effective Date.* This order is effective immediately, except that the requirements of sections 5(b) through 5(d) of this order and of Civil Service Rule 11.5 shall become effective 90 days from the date of this order.

Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) If any provision of this order, including any of its applications, is held to be invalid, the remainder of this order and all of its other applications shall not be affected thereby.

A handwritten signature in black ink, appearing to be a stylized name, possibly 'Donald Trump', written in a cursive script.

THE WHITE HOUSE,
April 24, 2025.

Presidential Documents

Executive Order 14285 of April 24, 2025

Unleashing America's Offshore Critical Minerals and Resources

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Background.* The United States has a core national security and economic interest in maintaining leadership in deep sea science and technology and seabed mineral resources. The United States faces unprecedented economic and national security challenges in securing reliable supplies of critical minerals independent of foreign adversary control. Vast offshore seabed areas hold critical minerals and energy resources. These resources are key to strengthening our economy, securing our energy future, and reducing dependence on foreign suppliers for critical minerals. The United States also controls seabed mineral resources in one of the largest ocean areas of the world. Our Nation can, through the exercise of existing authorities and by establishing international partnerships, access potentially vast resources in seabed polymetallic nodules; other subsea geologic structures; and coastal deposits containing strategic minerals such as nickel, cobalt, copper, manganese, titanium, and rare earth elements, which are vital to our national security and economic prosperity.

Our Nation must take immediate action to accelerate the responsible development of seabed mineral resources, quantify the Nation's endowment of seabed minerals, reinvigorate American leadership in associated extraction and processing technologies, and ensure secure supply chains for our defense, infrastructure, and energy sectors.

Sec. 2. *Policy.* It is the policy of the United States to advance United States leadership in seabed mineral development by:

(a) rapidly developing domestic capabilities for the exploration, characterization, collection, and processing of seabed mineral resources through streamlined permitting without compromising environmental and transparency standards;

(b) supporting investment in deep sea science, mapping, and technology;

(c) enhancing coordination among executive departments and agencies (agencies) with respect to seabed mineral development activities described in this order;

(d) establishing the United States as a global leader in responsible seabed mineral exploration, development technologies, and practices, and as a partner for countries developing seabed mineral resources in areas within their national jurisdictions, including their Exclusive Economic Zones (EEZ);

(e) creating a robust domestic supply chain for critical minerals derived from seabed resources to support economic growth, reindustrialization, and military preparedness, including through new processing capabilities; and

(f) strengthening partnerships with allies and industry to counter China's growing influence over seabed mineral resources and to ensure United States companies are well-positioned to support allies and partners interested in developing seabed minerals responsibly in areas within their national jurisdictions, including their EEZs.

Sec. 3. *Strategic Seabed Critical Mineral Access.* Within 60 days of the date of this order:

(a) The Secretary of Commerce shall:

(i) acting through the Administrator of the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of State and the Secretary of the Interior, acting through the Director of the Bureau of Ocean Energy Management, expedite the process for reviewing and issuing seabed mineral exploration licenses and commercial recovery permits in areas beyond national jurisdiction under the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 *et seq.*), consistent with applicable law. The expedited process, consistent with applicable law, should ensure efficiency, predictability, and competitiveness for American companies;

(ii) in coordination with the Secretary of the Interior and the Secretary of Energy, and in consultation with the heads of other relevant agencies, provide a report to the Assistant to the President for Economic Policy, the Chair of the National Energy Dominance Council, and the Vice Chair of the National Energy Dominance Council that identifies:

(A) private sector interest and opportunities for seabed mineral resource exploration, mining, and environmental monitoring in the United States Outer Continental Shelf; in areas beyond national jurisdiction; and in areas within the national jurisdictions of certain other nations that express interest in partnering with United States companies on seabed mineral development; and

(B) private sector interest and opportunities for polymetallic nodule and other seabed mineral resource processing capacity in the United States or on United States-flagged vessels; and

(iii) in consultation with the Secretary of State, the Secretary of the Interior, and the heads of other relevant agencies, and in cooperation with commercial and other non-governmental organizations, develop a plan to map priority areas of the seabed, such as those with abundant or accessible undersea resources, in order to accelerate data collection and characterization, prioritizing areas within the United States Outer Continental Shelf.

(b) The Secretary of the Interior shall:

(i) establish an expedited process for reviewing and approving permits for prospecting and granting leases for exploration, development, and production of seabed mineral resources within the United States Outer Continental Shelf under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), consistent with applicable law. The expedited process, consistent with applicable law, should ensure efficiency, predictability, and competitiveness for American companies; and

(ii) identify which critical minerals may be derived from seabed resources and coordinate with the Secretary of Defense and the Secretary of Energy to indicate which critical minerals are essential for applications such as defense infrastructure, manufacturing, and energy.

(c) The Secretary of Commerce, in coordination with the Secretary of State, the Secretary of the Interior, and the Secretary of Energy, shall:

(i) engage with key partners and allies to offer support for seabed mineral resource exploration, extraction, processing, and environmental monitoring in areas within the national jurisdictions of those partners and allies, including by seeking scientific collaboration and commercial development opportunities for United States companies, and by developing a prioritized list of countries for engagement; and

(ii) provide a joint report to the Assistant to the President for Economic Policy, the Chair of the National Energy Dominance Council, and the Vice Chair of the National Energy Dominance Council on the feasibility of an international benefit-sharing mechanism for seabed mineral resource extraction and development that occurs in areas beyond the national jurisdiction of any country.

(d) The Secretary of Defense and the Secretary of Energy shall:

(i) provide a report to the Assistant to the President for Economic Policy, the Chair of the National Energy Dominance Council, and the Vice Chair

of the National Energy Dominance Council that addresses the feasibility and any potential benefits or drawbacks of using the National Defense Stockpile for physical or virtual storage of materials derived from seabed polymetallic nodules and of entering offtake agreements for these materials;

(ii) in consultation with the Secretary of Commerce, review and revise existing regulations, consistent with applicable law, to support domestic processing capabilities for seabed mineral resources, and explore the use of grant and loan authorities, the Defense Production Act (50 U.S.C. 4501 *et seq.*), and other procurement and financing authorities for this purpose; and

(iii) ensure the Strategic and Critical Materials Board of Directors considers seabed mineral resource developments when recommending a strategy for ensuring a secure supply of materials designated as critical to national security to the Secretary of Defense under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*).

(e) The Chief Executive Officer of the United States International Development Finance Corporation, the President of the Export-Import Bank of the United States, the Director of the Trade and Development Agency, and the heads of other relevant agencies shall provide a joint report to the Assistant to the President for Economic Policy, the Chair of the National Energy Dominance Council, and the Vice Chair of the National Energy Dominance Council that identifies tools to support domestic and international seabed mineral resource exploration, extraction, processing, and environmental monitoring.

Sec. 4. Definitions. As used in this order:

(a) The term “mineral” means a critical mineral as designated pursuant to 30 U.S.C. 1606(a)(3), as well as uranium, copper, potash, gold, and any other element or compound as determined by the Chair of the National Energy Dominance Council.

(b) The term “seabed mineral resources” means polymetallic nodules, cobalt-rich ferromanganese crusts, polymetallic sulfides, heavy mineral sands, phosphorites, and other mineral-bearing materials.

(c) The term “processing” includes the concentration, separation, refinement, alloying, and conversion of minerals into usable forms.

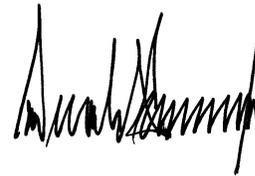
Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Donald Trump", written in a cursive style.

THE WHITE HOUSE,
April 24, 2025.

Rules and Regulations

Federal Register

Vol. 90, No. 81

Tuesday, April 29, 2025

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

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0285]

RIN 1625–AA00

Safety Zone; Underwater Lake Bed HAUV/ROV Survey; Straits of Mackinac, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of the vessels Ugle Duckling and Streak. The safety zone is necessary to protect vessels while a HAUV/ROV survey is conducting underwater surveys. Entry of vessels into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Northern Great Lakes (COTP).

DATES: This rule is effective from May 28, 2025, 5:30 a.m. through July 31, 2025, 6:30 p.m. local time.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2025–0285 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LT Marcelo Da Costa, Sector Northern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 906–635–3223, email ssmprevention@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

§ Section
U.S.C. United States Code
HAUV Hybrid Autonomous Underway Vehicle
ROV Remotely Operated Vehicle

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. It is impracticable to publish an NPRM because we must establish this safety zone by May 28, 2025, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is impracticable because prompt action is needed to address to the potential safety hazards associated with the HAUV/ROV survey of subsurface lakebed and surrounding areas of interest and the potential hazard from other vessels transiting the Straits of Mackinac at the same time this project is being conducted.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP has determined that the potential hazards associated with the HAUV/ROV survey of the subsurface lakebed and surrounding areas of interest starting May 28, 2025, will be a safety concern to anyone within a 500-yard radius of the vessels Ugle Duckling and Streak. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the HAUV/ROV survey is being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone from 5:30 a.m. on May 28, 2025 through 6:30 p.m. on July 31, 2025. The safety

zone will cover all navigable waters within the Mackinac regulated navigation area within 500 yards of vessels being used to conduct the HAUV/ROV survey of the subsurface lakebed and surrounding areas of interest. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the HAUV/ROV survey is being conducted. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration and location of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small, designated area of the Straits of Mackinac. Moreover, the Coast Guard will issue a Local Notice to Mariners about the safety zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone to cover all navigable waters within the Mackinac Regulated Navigation Area within 500 yards of vessels being used to conduct a HAUV/ROV survey of the subsurface lakebed and surrounding areas of interest. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, security measures, waterways

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T09–0313 to read as follows:

§ 165.T09–0313 Safety Zone; Vessels Ugle Duckling and Streak operating in the Straits of Mackinac, MI

(a) *Location.* The following area is a safety zone: All navigable waters within 500 yards of the vessels Ugle Duckling and Streak while conducting a HAUV/ROV survey of the subsurface lakebed and surrounding areas of interest.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Northern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16 or telephone at (906) 635–3233. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* This section will be enforced from 5:30 a.m. to 6:30 p.m. each day from May 28, 2025 through July 31, 2025.

Dated: April 11, 2025.

J.R. Bendle,

Captain, U.S. Coast Guard, Captain of the Port Sector Northern Great Lakes.

[FR Doc. 2025–07333 Filed 4–28–25; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register

Vol. 90, No. 81

Tuesday, April 29, 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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0741; Project Identifier AD-2025-00153-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767-200, 767-300, 767-300F, and 767-400ER airplanes. This proposed AD was prompted by a heavy maintenance check that found corrosion damage on a Model 767 satellite communications (SATCOM) high gain antenna adapter plate. This proposed AD would require repetitive detailed inspections (DET) of the SATCOM high gain antenna adapter plate for corrosion and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 13, 2025.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket

No. FAA-2025-0741; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; website myboeingfleet.com.

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0741.

FOR FURTHER INFORMATION CONTACT:

Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3964; email: Stefanie.N.Roesli@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-0741; Project Identifier AD-2025-00153-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3964; email: Stefanie.N.Roesli@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that corrosion damage was found by an operator on a 767 SATCOM high gain antenna adapter plate during a heavy maintenance check. The most severe corrosion was found at the nutplates around the edges of the adapter plate; the nutplates are used to fasten the antenna assembly to the adapter plate. Corrosion was also found at the adapter plate mounting lugs and the area around the bonding strap that are connected between the adapter plate and the airplane skin. Contributing factors that lead to an increase in risk of a parts departing airplane (PDA) event include a lack of maintenance inspections and repair procedures, and a lack of nutplate or nutplate recess corrosion protection. A PDA event of the SATCOM high gain antenna system could damage the primary flight control surfaces which may result in loss of continued safe flight and landing of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or

develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 767-23A0351 RB, dated January 23, 2025. This material specifies procedures for repetitive DET of the SATCOM high gain antenna adapter plate for corrosion and applicable on-condition actions. On-condition actions include repairing the SATCOM high gain antenna adapter plate or replacing it with a new or serviceable SATCOM high gain antenna adapter plate if any corrosion found is

less than or equal to 0.005 inch in depth; and replacing the SATCOM high gain antenna adapter plate with a new or serviceable SATCOM high gain antenna adapter plate if any corrosion found is greater than 0.005 inch in depth. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except

for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA-2025-0741.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 597 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed inspection	11 work-hours × \$85 per hour = \$935 per inspection cycle.	\$0	\$935 per inspection cycle	\$558,195 per inspection cycle.

The FAA estimates the following costs to do any repair or replacement that would be required based on the

results of the proposed inspection. The agency has no way of determining the

number of airplanes that might need this repair or replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair adapter plate	5 work-hours × \$85 per hour = \$425	\$0	\$425
Replace adapter plate	2 work-hours × \$85 per hour = \$170	18,000	18,170

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA-2025-0741; Project Identifier AD-2025-00153-T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 13, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767-200, 767-300, 767-300F, and 767-400ER airplanes, certificated in any

category, as identified in Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 23, Communications.

(e) Unsafe Condition

This AD was prompted by a heavy maintenance check that found corrosion damage on a Model 767 satellite communications (SATCOM) high gain antenna adapter plate. The FAA is issuing this AD to prevent corrosion damage of the SATCOM high gain antenna adapter plates, which could result in parts departing the airplane (PDA). A PDA event of the SATCOM high gain antenna system could damage the primary flight control surfaces which may result in loss of continued safe flight and landing of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 767–23A0351, dated January 23, 2025, which is referred to in Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025.

(h) Exceptions to Requirements Bulletin Specifications

Where the Boeing Recommended Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025, refer to the original issue date of Requirements Bulletin 767–23A0351 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3964; email: Stefanie.N.Roesli@faa.gov.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 767–23A0351 RB, dated January 23, 2025.

(ii) [Reserved]

(3) For the Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

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

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

Issued on April 21, 2025.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–07271 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0742; Project Identifier MCAI–2024–00682–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–02–14, which applies to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2020–02–14 requires a one-time inspection of the oxygen containers and adjacent panels and applicable corrective actions. Since the FAA issued AD 2020–02–14, it was determined that additional airplanes may be affected by the same unsafe condition. This proposed AD would continue to require the actions in AD 2020–02–14 and would require expanding the applicability to include additional airplanes, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 13, 2025.

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

- *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0742; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email continued-airworthiness.a350@airbus.com; website airbus.com.

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA-2025-0742.

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

FOR FURTHER INFORMATION CONTACT:

Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3959; email: Nicole.S.Tsang@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-0742; Project Identifier MCAI-2024-00682-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3959; email: Nicole.S.Tsang@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020-02-14, Amendment 39-19828 (85 FR 6757, February 6, 2020) (AD 2020-02-14), for certain Airbus SAS Model A350-941 and -1041 airplanes. AD 2020-02-14 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2019-0210, dated August 26, 2019 (EASA AD 2019-0210), to correct an unsafe condition.

AD 2020-02-14 requires a one-time inspection of the oxygen containers and adjacent panels, and applicable corrective actions. The FAA issued AD 2020-02-14 to address damaged and unlocked fasteners of the oxygen containers and adjacent panels in the passenger supply channels (PSCs), which could result in insufficient clearance between the oxygen container and adjacent panels and prevent the opening of the oxygen containers, and consequent failure of the oxygen masks to deploy and provide supplemental oxygen in case of an in-flight decompression, possibly resulting in injury to cabin occupants.

Actions Since AD 2020-02-14 Was Issued

Since the FAA issued AD 2020-02-14, EASA superseded EASA AD 2019-0210 and issued EASA AD 2024-0220, dated November 20, 2024 (EASA AD 2024-0220) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350-941 and -1041 airplanes. The MCAI states that since EASA AD 2019-0210 was issued, it was determined that additional A350 manufacturer serial numbers (airplanes) may be affected by the same unsafe condition.

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

in the AD docket at regulations.gov under Docket No. FAA-2025-0742.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2020-02-14, this proposed AD would retain all of the requirements of AD 2020-02-14. Those requirements are referenced in EASA AD 2024-0220, which, in turn, is referenced in paragraph (g) of this proposed AD.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024-0220 specifies procedures for inspecting the oxygen containers and the installation of adjacent panels located in all PSCs, to check that each fastener of each panel/component is locked and to measure the clearance between the oxygen container door lid and the adjacent panel/component. EASA AD 2024-0220 also describes procedures for applicable corrective actions, including attaining minimum clearance, locking any unlocked fasteners, and replacing damaged parts.

The FAA reviewed Airbus Alert Operators Transmission (AOT) A35P015-19, Revision 01, dated June 19, 2019. This material identifies affected airplanes for the Group 1 airplanes specified in EASA AD 2024-0220.

The FAA also reviewed Airbus AOT A35P023-24, Revision 01, dated July 25, 2024. This material identifies affected airplanes for the Group 2 airplanes specified in EASA AD 2024-0220.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024-0220 described previously, except for any differences

identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0220 by

reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0220 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0220 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is

not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024–0220. Material required by EASA AD 2024–0220 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0742 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 19 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2020–02–14	4 work-hours × \$85 per hour = \$340	\$0	\$340	\$5,440 (16 airplanes).
New proposed actions	4 work-hours × \$85 per hour = \$340	0	340	1,020 (3 airplanes).

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × \$85 per hour = \$85	* \$0	\$85

* The FAA has received no definitive data on the parts costs for the on-condition actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive (AD) 2020–02–14, Amendment 39–

19828 (85 FR 6757, February 6, 2020); and

- b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2025–0742; Project Identifier MCAI–2024–00682–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 13, 2025.

(b) Affected ADs

This AD replaces AD 2020–02–14, Amendment 39–19828 (85 FR 6757, February 6, 2020) (AD 2020–02–14).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, having manufacturer serial numbers listed in Airbus Alert Operators Transmission (AOT) A35P015–19, Revision 01, dated June 19, 2019; and Airbus AOT A35P023–24, Revision 01, dated July 25, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by a report that during inspection of the installation of oxygen containers, certain fasteners of the oxygen containers and adjacent panels in the passenger supply channels (PSCs) were found damaged or unlocked; which could result in insufficient clearance between the oxygen container and adjacent panels. This

AD was also prompted by a determination that additional airplanes may be affected by the same unsafe condition. The FAA is issuing this AD to address damaged and unlocked fasteners of the oxygen containers and adjacent panels in the PSCs, which could result in insufficient clearance between the oxygen container and adjacent panels. The unsafe condition, if not addressed, could prevent the opening of the oxygen containers and result in failure of oxygen masks to deploy and provide supplemental oxygen supply in case of an in-flight decompression, possibly resulting in injury to cabin occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0220, dated November 20, 2024 (EASA AD 2024–0220).

(h) Exceptions to EASA AD 2024–0220

(1) Where EASA AD 2024–0220 refers to “September 9, 2019 [the effective date of EASA AD 2019–0210],” this AD requires using March 12, 2020 (the effective date of AD 2020–02–14).

(2) Where EASA AD 2024–0220 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the “Groups” definition in EASA AD 2024–0220 specifies “Group 1 aeroplanes are those having an MSN as listed in the AOT1” this AD requires replacing that text with “Group 1 airplanes are those having an MSN as listed in Airbus AOT A35P015–19, Revision 01, dated June 19, 2019.”

(4) Where the “Groups” definition in EASA AD 2024–0220 specifies “Group 2 aeroplanes are those having an MSN as listed in the AOT2” this AD requires replacing that text with “Group 2 airplanes are those having an MSN as listed in Airbus AOT A35P023–24, Revision 01, dated July 25, 2024.”

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0220.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0220 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

paragraph (k) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, contact your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(k) Additional Information

For more information about this AD, contact Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3959; email: Nicole.S.Tsang@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Airbus Alert Operators Transmission (AOT) A35P015–19, Revision 01, dated June 19, 2019.

(ii) Airbus AOT A35P023–24, Revision 01, dated July 25, 2024.

(iii) European Union Aviation Safety Agency (EASA) AD 2024–0220, dated November 20, 2024.

(3) For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email continued-airworthiness.a350@airbus.com; website airbus.com.

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

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

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

Issued on April 22, 2025.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–07269 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0739; Project Identifier AD–2025–00196–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model 717–200 airplanes. This proposed AD was prompted by a report of a nose landing gear-up landing caused by the failure of the upper lock link assembly. This proposed AD would require repetitive inspections for cracking of the upper lock link assembly and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 13, 2025.

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

- *Federal eRulemaking Portal:* Go to regulations.gov. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0739; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For the Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at *regulations.gov* under Docket No. FAA-2025-0739.

FOR FURTHER INFORMATION CONTACT: Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562-627-5238; email: *wayne.ha@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2025-0739; Project Identifier AD-2025-00196-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562-627-5238; email: *wayne.ha@faa.gov*. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating a Boeing Model 717-200 operator experienced a nose landing gear-up landing. During approach, the flightcrew received an unsafe gear indication, the two main landing gear deployed, but the nose landing gear (NLG) stayed retracted. An alternative landing gear extension was attempted, but the NLG stayed in the up position, and the airplane landed with the NLG retracted. A report released by the National Transportation Safety Board (NTSB) identified that a failure of the upper lock link assembly caused the lower lock link assembly to swing down to a vertical position which contacted the NLG assembly. The contact restricted the movement of the NLG and prevented it from moving out of the retracted position. The root cause of the upper lock link assembly failure was found to be non-conforming surface roughness, due to tool marks on the surface. This condition, if not addressed, could result in failure of the NLG to fully extend during landing or cause the nose gear to remain retracted while the main gear deploys. Additionally, this condition could

restrict ground maneuverability, increasing the risk of a runway excursion.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 717-32A0043 RB, dated February 12, 2025. This material specifies procedures for repetitive eddy current high frequency (ETHF) inspections of the top and bottom surfaces of the upper lock link assembly for any crack, and replacement of any cracked upper lock link assembly with a serviceable upper lock link assembly. This material also specifies that replacement of the upper lock link assembly terminates the repetitive inspections.

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

Proposed AD Requirements in this NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA-2025-0739.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 117 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Eddy current high frequency inspection.	5 work-hours × \$85 per hour = \$425 per inspection cycle.	\$0	\$425 per inspection cycle.	\$49,725 per inspection cycle.

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

results of the proposed inspection. The agency has no way of determining the

number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	9 work-hours × \$85 per hour = \$765	\$17,819	\$18,584

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2025–0739; Project Identifier AD–2025–00196–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 13, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 717–200 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by a report of a Boeing Model 717–200 operator that experienced a nose landing gear-up landing caused by the failure of the upper lock link assembly. The unsafe condition, if not addressed, could result in a failure of the nose landing gear (NLG) to fully extend during landing or cause the nose gear to remain retracted while the main gear deploys. Additionally, it could restrict ground maneuverability, increasing the risk of a runway excursion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service

Bulletin 717–32A0043, dated February 12, 2025, which is referred to in Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025.

(h) Exception to Requirements Bulletin Specifications

Where the Condition and Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025, refer to the original issue date of Requirements Bulletin 717–32A0043 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5238; email: *wayne.ha@faa.gov*.

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 717–32A0043 RB, dated February 12, 2025.

(ii) [Reserved]

(3) For the Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website myboeingfleet.com.

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

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

Issued on April 21, 2025.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–07268 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0628; Project Identifier MCAI–2024–00728–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–941 and –1041 airplanes. This proposed AD was prompted by reports of deep spot faces on rib 9 at the lower flange bolting with the lower spar. This proposed AD would require a special detailed inspection for discrepancies of certain pylon bolts, and applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 13, 2025.

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

- **Federal eRulemaking Portal:** Go to regulations.gov. Follow the instructions for submitting comments.

- **Fax:** 202–493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA–2025–0628; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Airbus material identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email continued-airworthiness.a350@airbus.com; website airbus.com.

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA–2025–0628.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–0628; Project Identifier MCAI–2024–00728–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA

will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email dan.rodina@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0234, dated December 6, 2024 (EASA AD 2024–0234) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes. The MCAI states deep spot faces have been detected on the production line on rib 9 at the lower flange bolting with the lower spar. This condition, if not detected and corrected, could lead to reduced fatigue life, which could adversely affect the structural integrity of the airplane. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2025–0628.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0234 specifies procedures for a special detailed inspection for discrepancies of the 2 pylon bolts at rib 9, left-hand and right-hand sides, and applicable corrective actions (repair). Discrepancies include washers that are not correctly aligned with the nut, cracks, scratches, corrosion, damage, and missing hardware. In addition, discrepancies include a no-go condition found after measuring the spot face depth with a “GO-NoGO GAUGE.” The compliance times for the applicable corrective actions range from before next flight to 3,000 flight cycles from completion of inspection.

The FAA reviewed Airbus Service Bulletin A350–54–P011, dated July 4, 2024. This material identifies affected airplanes specified in EASA AD 2024–0234.

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

FAA’s Determination

This product has been approved by the aviation authority of another

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0234 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to

incorporate EASA AD 2024–0234 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0234 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0234 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2024–0234. Material required by EASA AD 2024–0234 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0628 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 17 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
8 work-hours × \$85 per hour = \$680	\$0	\$0	\$11,560

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

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2025–0628; Project Identifier MCAI–2024–00728–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 13, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350-941 and -1041 airplanes, certificated in any category, having manufacturer serial numbers listed in Airbus Service Bulletin A350-54-P011, dated July 4, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by reports of deep spot faces that were detected on the production line on rib 9 at lower flange bolting with the lower spar. The FAA is issuing this AD to address deep spot faces on rib 9, which if not addressed, could result in reduced fatigue life and could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024-0234, dated December 6, 2024 (EASA AD 2024-0234).

(h) Exception to EASA AD 2024-0234

(1) Where paragraph (2) of EASA AD 2024-0234 specifies “accomplish the corrective actions,” this AD requires replacing that text with “accomplish the corrective actions, including any inspection instructions.”

(2) Where paragraph (2) of EASA AD 2024-0234 specifies “Where the SB instructs to contact Airbus for approved repair instructions, this AD requires to contact Airbus for corrective action(s) instructions, and within the compliance time specified therein, to accomplish those instructions accordingly,” this AD requires replacing that text with “Where the SB instructs to contact Airbus for instructions or inspections, this AD requires contacting Airbus for instructions and inspections, as applicable, and within the compliance time specified therein, accomplishing those instructions accordingly; except if any cracking is found, the cracking must be repaired before further flight using a method approved by the Manager, AIR-520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(3) This AD does not adopt the “Remarks” section of EASA AD 2024-0234.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024-0234 specifies to submit certain

information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A350-54-P011, dated July 4, 2024.

(ii) European Union Aviation Safety Agency (EASA) AD 2024-0234, dated December 6, 2024.

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

(4) For Airbus material identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email continued-airworthiness.a350@airbus.com; website airbus.com.

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

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

Issued on April 15, 2025.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025-06776 Filed 4-28-25; 8:45 am]

BILLING CODE 4910-13-P

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

[EPA-R07-OAR-2025-0138; FRL-12693-01-R7]

Air Plan Approval; Missouri; Removal of Obsolete Rules on Control of NO_x Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by the Missouri Department of Natural Resources (MoDNR) on November 14, 2018. MoDNR requests that the EPA remove from its SIP two rules related to control of emissions of nitrogen oxides (NO_x). One of the rules previously applied to electricity generating units (EGUs) and certain non-EGUs in a portion of the state and the other rule previously applied to EGUs throughout the entire state. The EPA has already approved a SIP revision that included provisions to sunset the two rules, and removal of the now-sunsetted rules from the SIP would not have an adverse effect on air quality. The EPA’s proposed approval of this rule revision is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: Comments must be received on or before May 29, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-R07-OAR-2025-0138 to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Written Comments” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Permitting and Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: stone.william@epa.gov.

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

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- I. Written Comments.
- II. What is being addressed in this document?
- III. Have the requirements for approval of a SIP revision been met?
- IV. What action is the EPA taking?
- V. Incorporation by reference.
- VI. Statutory and Executive Order Reviews.

I. Written Comments

Submit your comments, identified by Docket ID No. EPA-R07-OAR-2025-0138, at <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from [regulations.gov](https://www.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, 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>.

II. What is being addressed in this document?

The EPA is proposing to approve the removal of 10 Code of State Regulations (CSR) 10–6.360, *Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers* (referred to here as the Missouri NBTP Rule), and 10 CSR 10–6.350, *Emission Limitations and Emissions Trading of Oxides of Nitrogen* (referred to here as the Missouri EGU Emission Rate Rule), from the Missouri SIP.

A. Background on the Missouri NBTP Rule

In 1998, the EPA issued the NO_x SIP Call to address interstate ozone pollution for the 1979 and 1997 ozone national ambient air quality standards (NAAQS). 63 FR 57356 (October 27, 1998). As applied to Missouri after amendments, the NO_x SIP Call required the state to address interstate ozone pollution for the 1979 ozone NAAQS by revising its SIP to reduce NO_x emissions in the eastern one-third of the state during the May–September “ozone season” starting in 2007. 69 FR 21604 (April 21, 2004). The NO_x SIP Call included a model state rule for the NO_x Budget Trading Program (NBTP), an interstate cap-and-trade program for seasonal NO_x emissions. The NBTP was designed to cover existing and new EGUs over 25 MW (large EGUs) and existing and new non-EGU boilers and combustion turbines with maximum design heat input over 250 mmBtu/hr (large non-EGUs). States could meet most of their NO_x SIP Call obligations by revising their SIPs to include state rules that required these sources to participate in the NBTP.

Missouri adopted the Missouri NBTP Rule in 2005 as part of the state’s plan to address its NO_x SIP Call obligations. The rule applied only in the eastern one-third of the state, where existing and new large EGUs and existing large non-EGUs were required to participate in the NBTP starting in 2007. Contrary to NBTP requirements, the rule’s applicability provisions did not cover new large non-EGUs, but the EPA nevertheless approved the rule into the state’s SIP in 2006. 71 FR 46860 (August 15, 2006); *see also* 71 FR 32291, 32296–97 (June 5, 2006) (discussing the EPA’s reasons for proposing approval despite the rule’s omission of new large non-EGUs).

In 2005, the EPA issued the Clean Air Interstate Rule (CAIR) addressing interstate ozone pollution for the 1997 ozone NAAQS and interstate fine particulate matter (PM_{2.5}) pollution for the 1997 PM_{2.5} NAAQS. 70 FR 25162,

May 12, 2005; *see also* 71 FR 25328 (April 28, 2006) (CAIR backstop Federal Implementation Plans (FIPs)). As applied to Missouri, CAIR’s ozone-related provisions required the state to revise its SIP to reduce seasonal NO_x emissions statewide starting in 2009. CAIR included a model state rule for the CAIR NO_x Ozone Season Trading Program (the CAIR OS trading program), a new interstate cap-and-trade program that was designed to replace the NBTP starting with the 2009 ozone season. While CAIR called for the EPA to stop carrying out its functions administering the NBTP after the 2008 ozone season, the states’ NO_x SIP Call obligations remained in effect and had to be met through other compliance mechanisms. *See* 40 CFR 51.121(r). By default, the CAIR OS trading program applied only to existing and new large EGUs, but states covered by the NO_x SIP Call could elect to also include their existing and new large non-EGUs, making it possible for the states to use the CAIR OS trading program as the compliance mechanism for meeting their ongoing NO_x SIP Call obligations as to both large EGUs and large non-EGUs.

Missouri adopted 10 CSR 10–6.364, *Clean Air Interstate Rule Seasonal NO_x Trading Program* (referred to here as the Missouri CAIR OS Rule), in 2007. The rule required existing and new large EGUs throughout the state and existing and new large non-EGUs in the eastern one-third of the state to participate in the CAIR OS trading program, thereby addressing both the state’s ozone-related CAIR obligations and the state’s ongoing NO_x SIP Call obligations as to both large EGUs and large non-EGUs. The Missouri CAIR OS Rule applied to all the sources covered by the Missouri NBTP Rule (and to additional sources) and established similarly structured but generally more stringent requirements. Accordingly, to avoid duplicative requirements, when adopting the Missouri CAIR OS Rule the state also amended the Missouri NBTP Rule to sunset its implementation when implementation of the Missouri CAIR OS Rule began. The EPA approved the Missouri CAIR OS Rule and the amendments sunsetting the Missouri NBTP Rule into the state’s SIP in 2007 and 2008, respectively. 72 FR 71073 (December 14, 2007); 73 FR 17890 (April 2, 2008).

CAIR was remanded to the EPA for replacement in 2008. *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008), *modified on rehearing*, 550 F.3d 1176 (D.C. Cir. 2008). In response to the remand, in 2011 the EPA issued the Cross-State Air Pollution Rule (CSAPR) addressing interstate ozone pollution for

the 1997 ozone NAAQS and interstate PM_{2.5} pollution for the 1997 and 2006 PM_{2.5} NAAQS. 76 FR 48208 (August 8, 2011). As applied to Missouri after amendments, CSAPR's ozone-related provisions required the state's large EGUs to reduce seasonal NO_x emissions statewide starting in 2015 by participating in the CSAPR NO_x Ozone Season Trading Program (the CSAPR OS trading program), a new interstate cap-and-trade program designed to replace the CAIR OS trading program. CSAPR as amended also called for the EPA to stop carrying out its functions administering the CAIR OS trading program after the 2014 ozone season. See 40 CFR 51.123(ff)(1)(ii). The requirements for sources to participate in the CSAPR OS trading program were initially implemented through FIPs, but the EPA provided options for states to adopt model SIP revisions that would either replace the FIPs while allowing sources to continue to participate in the interstate trading programs ("full" CSAPR SIP revisions) or else modify the FIP provisions governing emission allowance allocations while otherwise leaving the FIPs in place ("abbreviated" CSAPR SIP revisions). However, the CSAPR model SIP revisions did not provide a ready-made option for states to meet their ongoing NO_x SIP Call obligations as to large non-EGUs by including the sources in the CSAPR OS trading program.

In 2016, the EPA issued the CSAPR Update addressing interstate ozone pollution for the 2008 ozone NAAQS. 81 FR 74504 (October 26, 2016). As applied to Missouri, the CSAPR Update required the state's large EGUs to further reduce seasonal NO_x emissions statewide starting in 2017 by participating in the CSAPR NO_x Ozone Season Group 2 Trading Program (the CSAPR OS G2 trading program), a new interstate cap-and-trade program designed to supplement the CSAPR OS trading program. For sources in states such as Missouri with ozone-related compliance requirements under both CSAPR and the CSAPR Update, the EPA coordinated compliance requirements by providing that the sources' participation in the CSAPR OS G2 trading program would be deemed to satisfy the requirements under both rules. See *id.* at 74509 & n.21. Like the CSAPR OS trading program, the CSAPR OS G2 trading program was initially implemented through FIPs, but the EPA again provided options for states to adopt full or abbreviated SIP revisions to replace or modify the FIPs.

Following the promulgation of CSAPR, Missouri adopted 10 CSR 10–6.374, *Cross-State Air Pollution Rule*

Ozone Season NO_x Trading Allowance Allocations, in 2015 and submitted the rule as an abbreviated CSAPR SIP revision to modify the FIP's emission allowance allocation provisions for Missouri's large EGUs. The SIP submittal was rendered moot by the CSAPR Update, which established a more stringent seasonal NO_x emission cap for Missouri's large EGUs, and the state's rule was not approved into the SIP in that original form. Following the promulgation of the CSAPR Update, Missouri adopted amendments to 10 CSR 10–6.374 in 2019 incorporating a complete set of trading program provisions consistent with the CSAPR Update and renaming the state's rule as the *Cross-State Air Pollution Rule NO_x Ozone Season Group 2 Trading Program* (referred to here as the Missouri CSAPR OS G2 Rule). The state submitted the amended rule to the EPA as a full CSAPR SIP revision to replace the state's CSAPR Update FIP, and the EPA approved the rule into the SIP in 2019. 84 FR 66316 (December 4, 2019). Between the initial adoption and subsequent amendment of 10 CSR 10–6.374, the state also rescinded the Missouri CAIR OS Rule, removing it from the state's regulations, but the EPA has not approved removal of that rule from the state's SIP.

Since the CSAPR Update, the EPA has issued two more trading program rules addressing interstate ozone pollution, but neither of those rules currently applies to Missouri sources. In 2019, the CSAPR Update was remanded to the EPA for evaluation of possible additional emission reductions. *Wisconsin v. EPA*, 983 F.3d 303 (D.C. Cir. 2019). In response to the remand, in 2021 the EPA issued the Revised CSAPR Update requiring large EGUs in some other states, but not Missouri, to further reduce seasonal NO_x emissions. 86 FR 23054 (April 30, 2021). Then in 2023, the EPA issued the Good Neighbor Plan addressing interstate ozone pollution for the 2015 ozone NAAQS. 88 FR 36654 (June 5, 2023). Although the Good Neighbor Plan as promulgated would have applied to large EGUs and certain non-EGU source categories in Missouri, the EPA has administratively stayed implementation of the rule's requirements for all sources in response to judicial stay orders. 88 FR 49295 (July 31, 2023); 88 FR 67102 (September 29, 2023); 89 FR 87960 (November 6, 2024). Under the terms of the administrative stay, Missouri's large EGUs continue to participate in the interstate CSAPR OS G2 trading program as required by the Missouri CSAPR OS G2 Rule.

As noted earlier in this section II.A., when the EPA stopped carrying out its

functions administering the NBTP after the 2008 ozone season, states' NO_x SIP Call obligations remained in effect. As relevant here, by adopting into its SIP control measures applicable to existing and new large EGUs and existing and new large non-EGUs (in the eastern one-third of the state) to meet the requirements of the NO_x SIP Call, Missouri triggered ongoing obligations for its SIP to include enforceable seasonal NO_x mass emissions limits and associated monitoring requirements for these source categories. See 40 CFR 51.121(f)(2), (i)(1), and (r)(2). Initially the NO_x SIP Call mandated that the monitoring provisions in each state's SIP require both their large EGUs and their large non-EGUs to monitor seasonal NO_x mass emissions in accordance with 40 CFR part 75, but in 2019 the EPA amended the NO_x SIP Call to allow states to revise their SIPs to provide alternative forms of monitoring requirements for their large non-EGUs. 84 FR 8422 (March 8, 2019).

Starting with the 2009 ozone season, Missouri met its ongoing NO_x SIP Call mass emissions limit and monitoring obligations for both large EGUs and large non-EGUs through the Missouri CAIR OS Rule, which included both emission cap provisions administered by the EPA and requirements for covered sources to monitor their seasonal NO_x emissions in accordance with 40 CFR part 75. When the EPA stopped carrying out its functions administering the CAIR OS trading program after the 2014 ozone season, a gap in the state's SIP was introduced that would have to be filled by other compliance mechanisms. For the state's NO_x SIP Call-affected large EGUs, the current requirements under the Missouri CSAPR OS G2 Rule to participate in the CSAPR OS G2 trading program satisfy not only the state's CSAPR Update obligations for the 2008 ozone NAAQS and the state's ozone-related CSAPR obligations for the 1997 ozone NAAQS but also the state's NO_x SIP Call obligations for the 1979 ozone NAAQS as to large EGUs. See 40 CFR 52.38(b)(13)(ii). In addition, for the state's NO_x SIP Call-affected large non-EGUs, the Missouri CAIR OS Rule's requirements to monitor seasonal NO_x emissions in accordance with 40 CFR part 75 remain federally enforceable SIP requirements, notwithstanding the fact that the EPA has stopped carrying out its functions administering the trading program elements of that rule and the fact that the state has removed the rule from the state's regulations. Those monitoring requirements remain codified federal law. See 40 CFR

52.1320(c) (showing that 10 CSR 10–6.364 is still part of the Missouri SIP). However, since the EPA stopped carrying out its functions administering the CAIR OS trading program, there has been no provision of the state’s SIP establishing enforceable seasonal NO_x mass emissions limits for the state’s NO_x SIP Call-affected large non-EGUs. As such, while we consider this matter to be beyond the scope of the present proposal, at this point in time, Missouri does not have adequate SIP provisions meeting the requirements of 40 CFR 51.121(f)(2) and (r)(2) with respect to its large non-EGUs in the eastern one-third of the state.

B. Background on the Missouri EGU Emission Rate Rule

Missouri adopted the Missouri EGU Emission Rate Rule in 2000 as part of the state’s plan to attain the 1979 ozone NAAQS in the St. Louis nonattainment area. As subsequently amended, the rule established NO_x emission rate limits during the ozone season for EGUs over 25 MW throughout the state starting in 2004. The rule also authorized a form of trading between covered sources to promote compliance flexibility, but it did not include a cap on NO_x mass emissions. The EPA approved the Missouri EGU Emission Rate Rule as initially adopted and as subsequently amended into the state’s SIP in 2000 and 2005, respectively. 65 FR 82285 (December 28, 2000); 70 FR 40193 (July 13, 2005).

As discussed in section II.A. of this document, Missouri adopted the Missouri CAIR OS Rule in 2007, requiring existing and new large EGUs throughout the state and existing and new large non-EGUs in the eastern one-third of the state to participate in an interstate cap-and-trade program for seasonal NO_x emissions starting in 2009. The Missouri CAIR OS Rule applied to all the sources covered by the Missouri EGU Emission Rate Rule (and potentially to additional sources). Further, although the requirements of the two rules were structured differently, both rules promoted compliance flexibility by allowing some form of trading among covered sources, and the Missouri CAIR OS Rule was considered more stringent. Accordingly, to avoid duplicative requirements, when adopting the Missouri CAIR OS Rule the state also amended the Missouri EGU Emission Rate Rule to sunset its implementation when implementation of the Missouri CAIR OS Rule began. The EPA approved the amendments sunsetting the Missouri EGU Emission Rate Rule into the state’s SIP in 2008. 73 FR 17890 (April 2, 2008).

C. Current Proposed Action

In this action, the EPA is proposing to approve the removal of the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule from the state’s SIP. As discussed in sections II.A. and II.B. of this document, in anticipation of the implementation of the Missouri CAIR OS Rule starting in the 2009 ozone season, Missouri amended the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule to end their implementation after the 2008 ozone season, and the EPA has already approved those amendments into the Missouri SIP. Because no substantive provisions of the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule remain operative, the rules currently have no effect on emissions or air quality. Accordingly, their removal from the SIP would not interfere with any applicable requirement concerning attainment or reasonable further progress or any other applicable CAA requirement.

As noted in section II.A. of this document, the EPA stopped carrying out its functions administering the CAIR OS trading program after the 2014 ozone season. Since that time, the Missouri SIP has not included provisions establishing enforceable seasonal NO_x mass emissions limits for existing and new large non-EGUs in the eastern one-third of the state as required by the state’s ongoing obligations under the NO_x SIP Call. However, the sunset after the 2008 ozone season of the Missouri NBTP Rule and Missouri EGU Emission Rate Rule did not create this gap, and the removal of the already-sunsetted rules from the state’s SIP would not exacerbate the gap. The EPA remains ready to assist Missouri in remedying the gap.

For the foregoing reasons, the EPA proposes to find Missouri’s November 14, 2018, request to remove the Missouri NBTP Rule and the Missouri EGU Emission Rate Rule from the state’s SIP approvable in accordance with CAA section 110, including specifically CAA section 110(l).

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 28, 2018, to April 5, 2018 and received one comment from the EPA. Missouri’s official submission addressed the EPA’s comment. In addition, as

explained above the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to approve Missouri’s request to remove 10 CSR 10–6.350 and 10 CSR 10–6.360 from the SIP because the rules are no longer operative. We are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to remove rules that were previously incorporated by reference from the applicable Missouri SIP. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to remove 10 CSR 10–6.350 and 10 CSR 10–6.360 discussed in section II. of this preamble and as set forth below in the proposed revision to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Executive Order 14192: Unleashing Prosperity Through Deregulation: Executive Order 14192 does not apply because actions that approve SIPs are exempted from review under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, and Ozone.

Dated: April 11, 2025.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

§ 52.1320 [Amended]

■ 2. In § 52.1320, the table in paragraph (c) is amended by removing the entries “10–6.350” and “10–6.360” under the heading “Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri”.

[FR Doc. 2025–07259 Filed 4–28–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No 18–295, GN Docket No 17–183; Report No. 3224; FRS 291102]

Petition for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration.

SUMMARY: Petitions for Reconsideration (Petitions) have been filed in the Commission’s rulemaking proceeding by Rick Kaplan, Alison Martin, and Robert Weller, on behalf of The National Association of Broadcasters (NAB).

DATES: Oppositions to the Petition must be filed on or before May 14, 2025.

Replies to an opposition must be filed on or before May 27, 2025

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Nicholas Oros, Office of Engineering and Technology, Policy and Rules Division, (202) 418–0636 or nicholas.oros@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s document, Report No. 3224, released April 17, 2025. The full text of the Petition can be accessed online via the Commission’s Electronic Comment Filing System at: <http://apps.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

Subject: Unlicensed Use of 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, FCC 24–125, 90 FR 11373, released March 6, 2025, ET Docket No 18–295, GN Docket No 17–183. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 1.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025–07310 Filed 4–28–25; 8:45 am]

BILLING CODE 6712–01–P

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

Agricultural Marketing Service

[Doc. No. AMS-AMS-25-0010]

2025/2026 Rates Charged for AMS Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing the 2025/2026 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2025/2026 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase certain user fee rates when current rates are insufficient to cover the costs of providing the service. While cost-saving measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs. In cases where current rates are sufficient to cover the costs of providing the service, user fee rates remain unchanged. Furthermore, AMS is announcing the fees it will charge warehouse operators for voluntary services associated with the administration of the United States Warehouse Act, including the license action fees, service license fees, inspection fees, and annual user fees for warehouse services for fiscal year 2026, which begins October 1, 2025. This year, AMS will minimize the impact on

industry by limiting any increases to cover inflationary costs only.

DATES: April 30, 2025.

FOR FURTHER INFORMATION CONTACT:

Melissa Bailey, Associate Administrator, AMS, USDA, Room 2036-S, 1400 Independence Ave. SW, Washington, DC 20250; Telephone (202) 205-9356, or Email melissa.bailey@usda.gov.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended (AMA) (7 U.S.C. 1621-1627), provides for the collection of fees to cover costs of various inspection, grading, certification, or auditing services covering many agricultural commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471-476) and the U.S. Cotton Standards Act (7 U.S.C. 51-65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services, and the Tobacco Inspection Act (7 U.S.C. 511-511s) provides for tobacco inspection and grading. Finally, the United States Warehouse Act (7 U.S.C. 241-256) provides for the licensing of public warehouse operators in the business of storing agricultural products and the examination of such federally licensed warehouses. These Acts also provide for the recovery of costs associated with these services.

I. Standardization of AMS Rates Calculations

On November 13, 2014, the U.S. Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). On the basis of rates calculated using these formulas, AMS is to determine the fee rates necessary to sustain program services. Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2025/2026 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables,

eggs, dairy products, rice, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. Fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

Rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection, or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471-476), fees for the upcoming season must be announced by June 1 of year and consultations regarding the establishment of the fee for cotton classification are to be held with U.S. cotton industry representatives. Representatives of all segments of the cotton industry, including producers,

ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of general fees prior to this publication.

2025/2026 Rate Calculations

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living

increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2025/2026 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Cotton Fees

7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation

Subpart A—Requirements; §§ 27.80–27.90 Costs of Classification and Micronaire

Cotton Standardization:

Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	\$4.75/bale			X	August 1, 2025.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	\$0.20/bale or \$5.00 per page minimum			X	August 1, 2025.

7 CFR Part 28—Cotton Classing, Testing, and Standards

Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs

Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification.

Cotton Grading:

Form 1: Grading Services for Producers (submitted by licensed sampler).	\$3.05/bale			X	July 1, 2025.
Form 1 Review (new sample submitted by licensed sampler).	\$3.15/bale			X	July 1, 2025.
Form A Determinations (sample submitted by licensed warehouse).	\$3.15/bale			X	July 1, 2025.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	\$3.15/bale			X	July 1, 2025.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	\$3.15/bale			X	August 1, 2025.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	\$6.00/sample			X	August 1, 2025.
Arbitration (comparison of a sample to the official standards or a sample type).	\$6.00/sample			X	August 1, 2025.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: \$159/applicant. Reexamination: \$138/applicant			X	August 1, 2025.
Special Sample Handling (return of samples per request)	\$0.50/sample			X	July 1, 2025.

2025/2026 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Electronic Copy of Classification Record	\$0.05/bale (\$5.00/month minimum with any records received)			X	July 1, 2025.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	\$0.15/bale or \$5.00/page minimum			X	August 1, 2025.
Form R (reissuance of Form 1 classification only)	\$0.15/bale or \$5.00/page minimum			X	August 1, 2025.
International Instrument Level Assessment	\$4.00/sample			X	August 1, 2025.

Dairy Fees

7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products
 Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46 Fees and Charges

Continuous Resident Grading Service	\$95.00	\$116.00	\$137.00	X	Oct 1, 2025.
Continuous Resident Grading Service 6 p.m.–6 a.m.	\$105.00	\$128.00	\$151.00	X	Oct 1, 2025.
Non-resident and Intermittent Grading Service; State Graders	\$120.00	\$155.00	\$190.00	X	Oct 1, 2025.
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	\$132.00	\$171.00	\$190.00	X	Oct 1, 2025.
Export Certificate Services	\$104.00/certificate				Oct 1, 2025.
Equipment Review ¹	\$135.00	\$192.00	\$249.00		Oct 1, 2025.
Equipment Review 6 p.m.–6 a.m. ¹	\$148.00	\$211.00	\$249.00		Oct 1, 2025.
Audit Services	\$135.00			X	Oct 1, 2025.
Special Handling	\$52.00/certificate				Oct 1, 2025.
Uncertified Copy of Certificate	\$12.00/copy				Oct 1, 2025.
Derogation Application	\$125.00/application				Oct 1, 2025.

Specialty Crops Fees

7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)
 Subpart A—Requirements; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets; § 51.45 Schedule of Fees and Charges at Shipping Point Areas

Quality and Condition Inspections for Whole Lots	\$267.00/lot				Oct 1, 2025.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	\$220.00/lot				Oct 1, 2025.
Condition—Half Lot	\$204.00/lot				Oct 1, 2025.
Quality and Condition or Condition-Only Inspections 50 Packages or Less.	\$122.00/lot				Oct 1, 2025.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	\$122.00/lot				Oct 1, 2025.
Dockside Inspections—Each package weighing <30 lbs.	\$0.044/pkg.				Oct 1, 2025.
Dockside Inspections—Each package weighing >30 lbs.	\$0.068/pkg.				Oct 1, 2025.
Charge per Individual Product for Dockside Inspection	\$254.00/lot				Oct 1, 2025.
Charge per Each Additional Lot of the Same Product	\$122.00/lot				Oct 1, 2025.
Inspections for All Hourly Work	\$129.00	\$169.00	\$209.00		Oct 1, 2025.
Section 8e—Quality and Condition Inspections	\$0.006675/pound				Oct 1, 2025.
Section 8e—Additional Lots of the Same Product	\$61.00				Oct 1, 2025.
Audit Services—Federal	\$171.00				Oct 1, 2025.

2025/2026 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Audit Services—State	\$171.00			.....	Oct 1, 2025.
GFSI Certification Fee ²	\$250.00/audit			.....	Oct 1, 2025.

7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products
 Subpart A—Requirements Governing Inspection and Certification; §§ 52.41–52.51 Fees and Charges

Lot Inspections	\$99.00	\$128.00	\$157.00	.....	Oct 1, 2025.
In-plant Inspections Under Annual Contract (year-round)	\$105.00	\$128.00	\$152.00	.....	Oct 1, 2025.
Additional Graders (in-plant) or Less Than Year-Round	\$105.00	\$141.00	\$176.00	.....	Oct 1, 2025.
Audit Services—Federal	\$171.00			.....	Oct 1, 2025.
Audit Services—State	\$171.00			.....	Oct 1, 2025.
GFSI Certification Fee ²	\$250.00/audit			.....	Oct 1, 2025.

Meat Fees

7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)
 Subpart A—Grading of Meats, Prepared Meats, and Meat Products; §§ 54.27–54.28 Charges for Service

Scheduled Grading	\$97.80	\$122.25	\$147.76	X	Oct 1, 2025.
Unscheduled Grading	\$123.00	\$142.00	\$166.00	.....	Oct 1, 2025.
Scheduled Night Differential (6 p.m.–6 a.m.)	\$108.43	\$135.00	\$147.76	X	Oct 1, 2025.

7 CFR Part 62—Agricultural Marketing Service Audit Verification and Accreditation Programs (AVAAP)
 Subpart E—Fees; § 62.300 Fees and Other Costs of Service

Auditing Activities	\$175.00	\$244.00	\$268.00	Oct 1, 2025.
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Poultry Fees

7 CFR Part 56—Voluntary Grading of Shell Eggs
 Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges
7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products
 Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges

Scheduled Grading	\$78.66	\$102.05	\$123.31	X	Oct 1, 2025.
Scheduled, Night Differential (6 p.m.–6 a.m.)	\$87.17	\$113.74	\$123.31	X	Oct 1, 2025.
Scheduled, Sunday Differential	\$101.00	\$129.69	N/A	X	Oct 1, 2025.
Scheduled, Sunday and Night Differential	\$112.70	\$143.51	N/A	X	Oct 1, 2025.
Unscheduled Grading	\$114.80	\$141.38	\$170.08	.....	Oct 1, 2025.

Science and Technology Fees

7 CFR Part 91—Services and General Information
 Subpart I—Fees and Charges; §§ 91.37–91.45

Laboratory Testing Services	\$125.00	\$143.00	\$161.00	.....	Oct 1, 2025.
Laboratory Approval Services ¹	\$188.00	\$218.00	\$249.00	X	Jan 1, 2026

7 CFR Part 75—Provisions for Inspection and Certification of Quality of Agricultural and Vegetable Seeds
 § 75.41 General

Laboratory Testing	\$79.00	\$100.00	\$125.00	.....	Oct 1, 2025.
Administrative Fee	\$17.00/certificate			.....	Oct 1, 2025.
Auditing Services	\$158.00	\$184.00	\$209.00	.....	Oct 1, 2025.
Organization for Economic Cooperation and Development Seed Schemes for Corn Seeds.	\$0.44/100 pounds			.....	July 1, 2025.
Organization for Economic Cooperation and Development Seed Schemes for Cotton, Soybeans, Sunflower, Sorghum, and Cereal Seeds.	\$0.36/100 pounds			.....	July 1, 2025.
Organization for Economic Cooperation and Development Seed Schemes for Other Seeds.	\$0.34/100 pounds			.....	July 1, 2025.

2025/2026 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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Tobacco Fees

7 CFR Part 29—Tobacco Inspection

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;

Subpart B—Requirements; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco

Subpart F—Policy Statement and Provisions Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges

Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, retesting of imported tobacco, and grading tobacco for research stations).	\$55.00	\$64.00	\$72.00	.....	July 1, 2025.
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	\$0.0025/pound			X	July 1, 2025.
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	\$0.015/pound			X	July 1, 2025.
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	\$0.0065/kg or \$0.0029/pound			X	July 1, 2025.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	\$115.00/sample and \$55.00/hour			X	July 1, 2025.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	\$1,250.00/person			.....	July 1, 2025.
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	\$0.0170/kg or \$0.0080/pound			X	July 1, 2025.

Rice Fees

7 CFR Part 868—General Regulations and Standards for Certain Agricultural Commodities

Subpart A—Regulations; §§ 868.91 Fees for certain Federal rice inspection services

Contract (per hour per Service representative) ³	\$79.30	\$119.00	\$158.60	.....	Oct 1, 2025.
Noncontract (per hour per Service representative) ³	\$99.10	\$148.70	\$198.30	.....	Oct 1, 2025.
Export Port Services ⁴	\$0.047/cwt			.....	Oct 1, 2025.
Inspection for quality (per lot, subplot, or sample inspection):					
Rough rice	\$69.20			.....	Oct 1, 2025.
Brown rice for processing	\$65.00			.....	Oct 1, 2025.
Milled rice	\$57.70			.....	Oct 1, 2025.
Factor analysis for any single factor (per sample):					
Milling yield (Rough or Brown rice)	\$54.00			.....	Oct 1, 2025.
All other factors (all rice)	\$41.90/factor			.....	Oct 1, 2025.
Total oil and free fatty acid	\$62.30			.....	Oct 1, 2025.
Faxed and extra copies of certificates	\$1.90/copy			.....	Oct 1, 2025.
Stowage examination (service-on-request):					
Ship	\$49.40 (per stowage space, minimum 5 spaces per ship)			.....	Oct 1, 2025.

2025/2026 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Subsequent ship examinations	\$49.40 (per stowage space, minimum 3 spaces per ship)			.....	Oct 1, 2025.
Barge	\$51.60/examination			.....	Oct 1, 2025.
All other carriers	\$18.40/examination			.....	Oct 1, 2025.
Aflatoxin (Rapid Test Kit)	\$47.90/test			.....	Oct 1, 2025.
All Other Mycotoxins (Rapid Test Kit)	\$54.00/test			.....	Oct 1, 2025.

¹ Travel costs outside the United States will be added to the fee, if applicable.

² Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

³ Original and appeal inspection services include Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

⁴ Services performed at export locations on lots at rest.

II. The United States Warehouse Act Fees

The United States Warehouse Act (USWA) (7 U.S.C. 241–256) provides for the licensing of public warehouse operators in the business of storing agricultural products, examination of such federally licensed warehouses, and collection of fees to sustain the operation and administration of such efforts. Participation in USWA program is voluntary. Participants may choose to obtain licensing under USWA to meet State or other industry requirements. Warehouse examinations provided by AMS examine the financial status of the operation, the integrity of the commodities stored in licensed facilities, as well as the facilities themselves.

This notice announces new fees for licensing and examining warehouses storing export food aid commodities, grain, nuts, sweeteners, wool, cotton,

cottonseed and dry beans. The new fees will be effective for fiscal year 2026 (FY 2026), which begins October 1, 2025.

AMS is raising the license action fees, service license fees, inspection fees, and annual user fees charged to licensed warehouses over the current rates that have not been adjusted since 2019 (84 FR 37613). AMS finds it necessary to increase fees to meet projected costs for administering the USWA program.

Fees must cover all expenses for USWA administrative services including the maintenance of a sufficient operating reserve. Thus, rates for USWA services for the 2026 fiscal year and beyond demonstrate a remedial action to correct the budgetary shortfall for administration of the program. USWA requires that AMS operate in an environment suitable to affect the needs of the program and mitigate any funding risks.

The fees reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of AMS administrative activities supporting the services provided to the industry. Program costs also include maintaining an operating reserve and, depending on the balance in the reserve, may provide for adding to or drawing down the reserve to assure an appropriate balance is maintained.

Rates in this notice will be available at AMS' website, as required by 7 CFR 869.4. A schedule of fees may also be requested by contacting the Director, Warehouse and Commodity Management Division, Fair Trade Practices Program, AMS, USDA at the following updated address: 805 Pennsylvania Avenue, Mail Stop 9148, Kansas City, Missouri 64105.

2025/2026 RATES

United States Warehouse Act Fees (effective October 1, 2025)

7 CFR Part 869—Regulations for the United States Warehouse Act
Subpart A—General Provisions: § 869.4 Fees

Cotton

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee (for each 1,000 bales) ¹	\$100
Min	\$200
Max	\$2,000
Annual User Fee for each warehouse location with a CCC storage agreement (licensed capacities in bales):	
1–20,000	\$685
20,001–40,000	\$903
40,001–60,000	\$1,100
60,001–80,000	\$1,307
80,001–100,000	\$1,722
100,001–120,000	\$2,056
120,001–140,000	\$2,402
140,001–160,000	\$2,747

2025/2026 RATES—Continued

160,001+	\$2,747
Per 5,000 bale capacity above 160,000 bales, or fraction thereof	\$69
Annual User Fee for each warehouse location without a CCC storage agreement (licensed capacities in bales):	
1–20,000	\$1,371
20,001–40,000	\$1,807
40,001–60,000	\$2,200
60,0001–80,000	\$2,614
80,001–100,000	\$3,444
100,001–120,000	\$4,113
120,001–140,000	\$4,804
140,001–160,000	\$5,495
160,001+	\$5,495
Per 5,000 bale capacity above 160,000 bales, or fraction thereof	\$138

Cottonseed

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee (for each 1,000 short tons) ¹	\$20
Min	\$200
Max	\$2,000
Annual User Fee (per 1,000 short tons, or fraction thereof)	\$20
Min	\$797

Dry Beans

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee (for each 1,000 hundred weight) ¹	\$20
Min	\$200
Max	\$2,000
Annual User Fee (licensed capacity in hundredweight):	
100–90,000	\$980
90,001–150,000	\$1,371
150,001–300,000	\$1,775
300,001–450,000	\$2,168
450,001–600,000	\$2,556
600,001–720,000	\$2,939
720,001–900,000	\$3,343
900,001–1,200,000	\$3,741
1,200,001–1,500,000	\$4,124
1,500,001–3,000,000	\$4,512
3,000,000+	\$4,700
Per 1,000 hundredweight above 3,000,000, or fraction thereof	\$1.55
Monthly Emergency Storage Fee per 10,000 Hundredweight ²	\$5

Export Food Aid Commodities

License Action Fee	\$116
Service License Fee (per location)	\$900
Inspection Fee (per location)	\$1,000

Grain

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee (for each 10,000 bushels) ¹	\$20
Min	\$200
Max	\$2,000
Annual User Fee for each warehouse location with a CCC storage agreement (licensed capacities in bushels):	
1–150,000	\$180
150,001–250,000	\$361
250,001–500,000	\$531
500,001–750,000	\$717
750,001–1,000,000	\$892
1,000,001–1,200,000	\$1,073
1,200,001–1,500,000	\$1,254
1,500,001–2,000,000	\$1,424
2,000,001–2,500,000	\$1,610
2,500,001–5,000,000	\$1,785
5,000,001–7,500,000	\$1,971
7,500,001–10,000,000	\$2,152
10,000,001+	\$2,152
Per million bushels above 10,000,000, or fraction thereof	\$58
Monthly Emergency Storage Fee per 50,000 Bushels. (Each warehouse location with a CCC storage agreement) ²	\$5

2025/2026 RATES—Continued

Annual Fee for each warehouse location without a CCC storage agreement (licensed capacities in bushels):	
1–150,000	\$361
150,001–250,000	\$722
250,001–500,000	\$1,063
500,001–750,000	\$1,435
750,001–1,000,000	\$1,785
1,000,001–1,200,000	\$2,147
1,200,001–1,500,000	\$2,508
1,500,001–2,000,000	\$2,848
2,000,001–2,500,000	\$3,220
2,500,001–5,000,000	\$3,571
5,000,001–7,500,000	\$3,943
7,500,001–10,000,000	\$4,305
10,000,001+	\$4,305
Per million bushels above 10,000,000, or fraction thereof	\$111
Monthly Emergency Storage Fee per 50,000 Bushels. (Each warehouse location without a CCC storage agreement) ²	\$10

Nuts

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee: ¹	
Per 100 short tons of peanuts	\$9.90
Per 1,000 hundredweight	\$18
Min	\$200
Max	\$2,000
Annual Fee for each warehouse location with a CCC storage agreement (licensed capacities in short tons):	
1–4,500	\$292
4,501–7,500	\$478
7,501–15,000	\$680
15,001–22,500	\$871
22,501–30,000	\$1,057
30,001–36,000	\$1,238
36,001–45,000	\$1,424
45,001–60,000	\$1,610
60,001–75,000	\$1,796
75,001–150,000	\$1,977
150,001–225,000	\$2,152
225,001+	\$2,250
Per 100 short tons capacity above 225,000 short tons, or fraction thereof	\$1
Annual Fee for each warehouse location without a CCC storage agreement (licensed capacities in short tons):	
1–4,500	\$584
4,501–7,500	\$956
7,501–15,000	\$1,360
15,001–22,500	\$1,743
22,501–30,000	\$2,115
30,001–36,000	\$2,476
36,001–45,000	\$2,848
45,001–60,000	\$3,220
60,001–75,000	\$3,592
75,001–150,000	\$3,954
150,001–225,000	\$4,294
225,001+	\$4,500
Per 100 short tons capacity above 225,000 short tons, or fraction thereof	\$2

Sweeteners

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee: ¹	
Per 5,000 gallons of liquid	\$7.50
Per 55,000 pounds of dry capacity	\$7.50
Min	\$200
Max	\$2,000
Annual User Fee:	
Per 5,000 gallons of liquid, or fraction thereof	\$7.50
Per 55,000 pounds of dry capacity, or fraction thereof	\$7.50
Min	\$797

Wool

License Action Fee	\$95
Service License Fee	\$42
Inspection Fee (for each 100,000 pounds) ¹	\$20
Min	\$190

2025/2026 RATES—Continued

Max	\$1,900
Annual User Fee (per 100,000 pounds, or fraction thereof)	\$20
Min	\$797

¹ Inspection Fees are charged by Functional Unit.

² The storage fee will be billed when the emergency storage action is closed or annually if the storage remains active that over a year.

Authority: 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511–511s; 7 U.S.C. 1621–1627 and 7 U.S.C. 241–256.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–07349 Filed 4–28–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

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

SUMMARY: The U.S. Department of Commerce (Commerce) hereby publishes a list of scope rulings and circumvention determinations made during the period January 1, 2025, through March 31, 2025. We intend to publish future lists after the close of the next calendar quarter.

DATES: Applicable April 29, 2025.

FOR FURTHER INFORMATION CONTACT: Marcia E. Short, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1560.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that it will publish in the **Federal Register** a list of scope rulings on a quarterly basis.¹ Our most recent notification of scope rulings was published on February 24, 2025.² This current notice covers all scope rulings made by Enforcement and Compliance between January 1, 2025, and March 31, 2025.

¹ See 19 CFR 351.225(o).

² See *Notice of Scope Rulings*, 90 FR 10474 (February 24, 2025).

Final Scope Rulings Made January 1, 2025, Through March 31, 2025

Mexico

A–201–845 and C–201–846: Sugar From Mexico

Requestor: Total Sweeteners Inc. DBA Batory Foods and Rafi Industries, Inc. DBA Chicago Sweeteners. Powdered sugar processed and packaged in Mexico by Batory and Rafi and containing 95 percent or more by dry weight of U.S.-origin refined sugar is not subject to the scope of the agreements suspending the antidumping duty (AD) and countervailing duty (CVD) suspension agreements on sugar from Mexico because, based on the plain language of the scope, the merchandise meets the scope exclusion definition for a sugar product produced in Mexico that contains 95 percent or more sugar by dry weight that originated outside of Mexico: February 28, 2025

People’s Republic of China (China)

A–570–117 and C–570–118: Wood Mouldings and Millwork Products From China

Requestor: Ralph Friedland & Brother, Inc’s wooden window shade slats imported from China are not covered by the AD and CVD orders on wood mouldings and millwork products because they are not commonly used in construction applications and function as a component of a window shade slat that resemble scrap merchandise with no commercial purpose other than their function as a component of a window shade: January 14, 2025.

A–570–088 and C–570–089: Certain Steel Racks and Parts Thereof From China

Requestor: LEDVANCE LLC steel pods are not covered by the scope of the AD and CVD orders on certain steel racks and parts thereof from China because the products do not meet the description of the physical characteristics of subject merchandise. Specifically, the width of the vertical load bearing members does not exceed two inches for Pod-A. Pod-C is not covered by the scope of the *Orders* because it is not a steel rack based on the scope description: January 21, 2025.

A–570–967 and C–570–968: Aluminum Extrusions From China

Requestor: HTM MBS LLC. Cable (MBS) display systems imported by MBS are not covered by the scope of the AD and CVD orders on aluminum extrusions from China because they are imported as finished goods kits containing all necessary components for assembly and installation, including steel cables, fittings milled from extruded aluminum, anchors, screws and Allen Wrenches: February 13, 2025.

A–570–090 and C–570–091: Certain Steel Wheels 12 to 16.5 Inches in Diameter From China

Requestor: Keystone Automotive Industries Inc. Fourteen models of passenger vehicle and light truck wheels produced in China and imported by Keystone are not covered by the scope of the AD and CVD orders on certain steel wheels 12 to 16.5 inches in diameter from China because the record supports that they may be differentiated from subject merchandise based on certain physical factors, including rim size, offset, bolt pattern, hub bore (or center hole) size, and load rating/capacity consistent with numerous prior scope rulings concerning similar products: February 24, 2025.

A–570–018 and C–570–019: Boltless Steel Shelving Units Prepackaged for Sale From China

Requestor: LEDVANCE LLC pods are not covered by the scope of the AD and CVD orders on boltless steel shelving units prepackaged for sale from China because the products do not meet the physical or packaging characteristics of subject merchandise. Pod-C is a standalone welded pod with no vertical or horizontal supports and is not assembled in a boltless fashion. Pod-A includes additional supports but is not prepackaged for resale. Both products were imported for internal use and qualify for exclusion from the scope of the *Orders*: February 28, 2025.

A–570–891: Hand Trucks and Certain Parts Thereof From China

Requestor: Utility Transportation Carts, Inc. The Flatbed Utility Cart imported by Utility Transportation Carts, Inc. is not subject to the scope of the AD order on hand trucks and certain parts thereof from China because it does not contain a projecting edge or toe plate: March 10, 2025.

Preliminary Determinations Made January 1, 2025, Through March 31, 2025

China

A–570–082: Leading Wheel Certain Steel Wheels From the China

Requestor: Leading Wheel Company Limited (Leading Wheel)’s certain steel wheels are preliminarily determined to not be covered by the scope of the AD and CVD orders on certain steel wheels from China because Leading Wheel produces rims and discs in Thailand from Chinese steel plates: March 4, 2025.

Notification to Interested Parties

Interested parties are invited to comment on the completeness of this list of completed scope inquiries and

scope/circumvention inquiry combinations made during the period January 1, 2025, through March 31, 2025. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to CommerceCLU@trade.gov.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: April 23, 2025.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2025-07356 Filed 4-28-25; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE772]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Lubec Harbor Project in Lubec, Maine

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Maine Department of Transportation (ME DOT) to incidentally harass marine mammals during construction activities associated with the Lubec Harbor project in Lubec, Maine.

DATES: This authorization is effective from April 10, 2025 through April 9, 2026.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal->

protection/incidental-take-authorizations-construction-activities#authorizations-in-process. In case of problems accessing these documents, please call the contact listed below.

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

SUPPLEMENTARY INFORMATION:

Background

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

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

Summary of Request

On August 29, 2024, NMFS received a request from ME DOT for an IHA to

take marine mammals incidental to construction activities in Johnson Bay in Lubec, Maine. Following NMFS’ review of the application, ME DOT submitted a revised version on December 19, 2024. The application was deemed adequate and complete on December 20, 2024. ME DOT’s request is for take of six species of marine mammals, by Level B harassment and by Level A harassment for 3 of those species. Neither ME DOT nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of the Specified Activity

Overview

The Maine Department of Transportation and the Town of Lubec are planning to construct a boat launch and breakwater structure that would extend into Johnson Bay from the northern coast of Lubec. The town was once one of Maine’s most active commercial fishing ports, consisting of several large herring processing operations until the late 1970s. A collapse of the herring fishery led to the closure of those processing canneries; however, there is a rebound of the fishing industry in the area due to lobster fishing, shellfish harvesting, and growth of salmon farming. The project will address the lack of sheltered boat access and safe launch locations. The breakwater is expected to provide a sheltered area that mariners may launch behind and recover and moor their vessels during periods of inclement weather. This project is scheduled in order to provide a safer harbor for the mariners and townspeople of Lubec. This construction project includes installation of a falsework platform, a pile supported platform (PSP), and two floating docks. The falsework platform will be installed using impact and vibratory pile driving, while the PSP and floating docks will require DTH (down the hole) drilling. ME DOT is requesting authorization of take by Level B harassment for five marine mammal species over an estimated 234 days of pile driving/drilling activities.

TABLE 1—NUMBER AND TYPES OF PILES TO BE INSTALLED

Project component	Pile diameter and type	Number of piles	Impact strikes per pile	Vibratory duration per pile (minutes)	DTH drilling duration per pile (minutes)	Production rate (piles per day)	Days of installation
Pile Supported Platform.	36” steel pipe pile	72	.....	.....	780	0.5	144
Floating Docks	24–30” steel pipe pile.	32	.....	.....	780	0.5	64

TABLE 1—NUMBER AND TYPES OF PILES TO BE INSTALLED—Continued

Project component	Pile diameter and type	Number of piles	Impact strikes per pile	Vibratory duration per pile (minutes)	DTH drilling duration per pile (minutes)	Production rate (piles per day)	Days of installation
Falsework Platform	14" steel H pile	65	150	30	.....	5	13 Install 13 Removal
Total	169 .....	.....	.....	.....	.....	.....	234

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (90 FR 11262, March 5, 2025). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to ME DOT was published in the **Federal Register** on March 5, 2025 (90 FR 11262). That notice described, in detail, ME DOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any public comments.

Changes From Proposed IHA to Final IHA

NMFS has corrected a typographical error related to the source level values for 14-inch (35.56-centimeter) impact H piles. The proposed IHA specified source levels of 183 dB sound exposure level (SEL) and 170 dB root mean square

(RMS) for this pile type. However, these levels were erroneously transposed, and the source levels have been corrected to 170 dB SEL and 183 dB RMS. The correction of these values results in updated estimated harassment isopleths and associated ensounded areas and, as a result, updated take numbers associated with impact driving of 14-inch piles. Please see the Estimated Take of Marine Mammals section for updated isopleth distances, areas, and take numbers.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 2 lists all species or stocks for which take is authorized for this activity and summarizes information related to

the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic SARs. All values presented in table 2 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 2—SPECIES LIKELY AFFECTED BY THE SPECIFIED ACTIVITIES ¹

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
Family Balaenopteridae (rorquals)						
Minke Whale	<i>Balaenoptera acutorostrata</i>	Canadian Eastern Coastal	- , -, N	21,968 (0.31, 17,002, 2021) ..	170	9.4
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae						
Atlantic White-Sided Dolphin ...	<i>Lagenorhynchus acutus</i>	Western N Atlantic	- , -, N	93,233 (0.71, 54,443, 2021) ..	544	28
Common Dolphin	<i>Delphinus delphis</i>	Western N Atlantic	- , -, N	93,100 (0.56, 59,897, 2021) ..	1,452	414

TABLE 2—SPECIES LIKELY AFFECTED BY THE SPECIFIED ACTIVITIES ¹—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance sur- vey) ³	PBR	Annual M/SI ⁴
Family Phocoenidae (porpoises)						
Harbor Porpoise	<i>Phocoena phocoena</i>	Gulf of Maine/Bay of Fundy ...	- , - , N	85,765 (0.53, 56,420, 2021) ..	649	142
Order Carnivora—Pinnipedia						
Family Phocidae (earless seals)						
Gray Seal	<i>Halichoerus grypus</i>	Western N Atlantic	- , - , N	394,311 (0.20, 376,621, 2021)	12,052	4,491
Harbor Seal	<i>Phoca vitulina</i>	Western N Atlantic	- , - , N	61,336 (0.08, 57,637, 2018) ..	1,729	339

A detailed description of the species likely to be affected by the Lubec Harbor project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (90 FR 11262, March 5, 2025); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (<https://>

www.fisheries.noaa.gov/find-species) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.*

(2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2024) updated generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Marine mammal hearing groups and their associated hearing ranges are provided in table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS [NMFS 2024]

Hearing group	Generalized hearing range *
Underwater	
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.
In-Air	
Phocid pinnipeds (PA) (true seals)	42 Hz to 52 kHz.
Otariid pinnipeds (OA) (sea lions and fur seals)	90 Hz to 40 kHz.

* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* 2007; Southall *et al.* 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a

strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of

variation; N_{min} is the minimum estimate of stock abundance.

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI (mortality/serious injury) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from ME DOT's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (90 FR 11262, March 5, 2025) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from ME DOT's construction on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (90 FR 11262, March 5, 2025).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes for authorization through the IHA, which will inform NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses. Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as certain construction activities (*i.e.*, pile driving and DTH drilling) have the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for very high frequency cetacean species and phocids because predicted auditory injury zones are larger than for low-frequency and high-frequency cetacean species. Auditory injury is unlikely to occur for low frequency and high frequency cetacean species. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated for this activity. Below we describe how the take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes the best available science indicates marine mammals will likely be behaviorally harassed or incur some degree of auditory injury; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur auditory injury (AUD INJ) of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS 2024) as discussed below in the *Level A harassment* section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021; Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts

that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 re 1 μ Pa) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by TTS as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

ME DOT's activity includes the use of continuous (vibratory pile driving and removal and DTH drilling) and impulsive (impact pile driving and DTH drilling), and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa are applicable.

Level A harassment—NMFS' 2024 Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Technical Guidance, 2024) identifies dual criteria to assess auditory injury (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ME DOT's activity includes the use of impulsive (impact pile driving and DTH drilling) and non-impulsive (vibratory pile driving and removal) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in the table below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools>.

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	Cell 4: $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	Cell 6: $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	Cell 8: $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	Cell 10: $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization (ISO) standards (ISO 2017; ISO 2020). The subscript “flat” is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected

to be affected via sound generated by the primary components of the project (i.e., pile driving and removal and DTH drilling). The maximum (underwater) area ensonified above the thresholds for behavioral harassment referenced above is approximately 29 km² (7,166.06 acres) for the total area, and 11 km² (2,718.16 acres) in US waters.

The project includes vibratory pile installation and removal, impact pile

driving, and DTH drilling. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature and proxies from similar, previous projects. Source levels for each pile size and activity are presented in table 5. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 5—PROXY SOUND SOURCE LEVELS FOR PILE INSTALLATION ACTIVITY

Project component	Pile type	Installation method	Proxy	Reference	Distance to measurement (m)	Source levels (re 1 μ Pa)		
						Peak	SEL	RMS
PSP	36" Diameter Steel Pipe Piles.	DTH Drilling ²	25" to 42" Piles ³	NMFS 2022b, Denes <i>et al.</i> , 2019; Reyff and Heyvaert, 2019; Reyff, 2020.	10	194	164	174
Floating Docks.	24–30" Diameter Steel Pipe Piles. ¹	Vibratory Pile Driving. Impact Pile Driving	14" steel H pile	Caltrans 2015; NMFS 2022a.	10	.....	.	150
Falsework Platform	14" Diameter Steel H Piles.				10	200	170	183

¹ For the purpose of this IHA, it is assumed that a 30-inch (76.2-centimeter) pile would be used to install the floating docks.
² DTH drilling is considered an impulsive sound source for Level A harassment calculations, and a non-impulsive source for Level B harassment calculations.
³ As a conservative measure, the same proxy measurements were used for both the PSP and the floating docks due to their pile design and installation method similarities.

NMFS recommends treating DTH systems as both impulsive and continuous, non-impulsive sound source types simultaneously. Thus, impulsive thresholds are used to evaluate Level A harassment, and continuous thresholds are used to evaluate Level B harassment. With regards to DTH mono-hammers, NMFS recommends proxy levels for Level A harassment based on available data regarding DTH systems of similar sized piles and holes (Denes *et al.*, 2019; Reyff and Heyvaert, 2019; Reyff, 2020) (table 1 and table 6 includes number of piles and duration; table 5 includes sound pressure and sound exposure levels for each pile type).

ME DOT will use bubble curtains for all PSP and floating dock construction which will use DTH drilling. We assume here that use of the bubble curtain would result in a reduction of 5 dB from the assumed SPL (rms) and SPL (peak) source levels for these pile sizes, and reduce the applied source levels accordingly. Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B \times \text{Log}_{10} (R_1/R_2),$$

where:
 TL = transmission loss in dB;
 B = transmission loss coefficient;
 R₁ = the distance of the modeled SPL from the driven pile; and
 R₂ = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading

occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6-dB reduction in sound level for each doubling of distance from the source (20*log [range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log [range]). A practical spreading value of 15 is often used under conditions, such as the project site, where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss is assumed here.

The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. In order to calculate the distances

to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, the applicant and NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods. The project includes vibratory and impact pile installation of steel H piles and vibratory removal of steel H piles and DTH drilling of 36-inch steel pipe piles and 24 to 30-inch steel pipe piles. NMFS consulted multiple sources to determine valid proxy source levels for the construction planned. This is the best available data for pile source levels, and source levels for each pile size and driving method are presented in table 5.

The ensoufied area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict

an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ. Inputs used in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported below (table 6).

TABLE 6—USER SPREADSHEET INPUTS FOR CALCULATING LEVEL A AND B HARASSMENT ISOPLETHS

Pile size and installation method	Spreadsheet tab used	Weighting factor adjustment (kHz)	Number of strikes per pile	Number of piles per day	Activity duration (minutes)
14" H Pile Vibratory Installation	A.1 Vibratory pile driving	2.5	N/A	5	30
14" H Pile Vibratory Removal	A.1 Vibratory pile driving	2.5	N/A	5	30
14" H Pile Impact Installation	E.1 Impact pile driving	2	150	5	N/A
24"–30" Steel Pipe Piles DTH Drilling.	E.2 DTH Drilling	2	1 15	0.5	780
36" Steel Pipe Piles DTH Drilling	E.2 DTH Drilling	2	1 15	0.5	780

¹ For DTH drilling, column 4 represents number of strikes per second.

TABLE 7—CALCULATED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Project component	Pile type	Installation method	Sound signal	Broadband noise attenuation ^b	Level A harassment (m)				Level B harassment (m)
					LF Cetaceans	HF Cetaceans	VHF Cetaceans	PW Pinnipeds	All marine mammals
PSP & Floating Docks ^a .	24–30" Diameter Steel Pipe Piles.	DTH Drilling	Non-Impulsive & Impulsive.	5 (dB)	1,243.6	158.7	1,924.5 (1,817.0)	1,104.8	18,478.5 (6,335.9)
Falsework Platform	14" Diameter Steel H Piles.	Vibratory Pile Driving and Removal.	Non-Impulsive	0 (dB≤)	3.1	1.2	2.6	4.0	1,000
		Impact Pile Driving	Impulsive	0 (dB)	111.7	14.2	172.8	99.2	341.5

^a The isopleths for PSP & floating dock piles for Level A harassment (VHF cetaceans) and Level B harassment (all marine mammals) extend into Canadian waters. Isopleths in parentheses represent the truncated radii within US waters only.

^b A NAS (noise attenuation system) will be deployed during all phases of PSP/floating dock pile installation. No NAS is planned during falsework platform installation and removal.

TABLE 8—THE CALCULATED ZOIS FOR EACH PROJECT COMPONENT AND INSTALLATION AND REMOVAL ACTIVITY

Project component	Pile type	Installation method	Broadband noise attenuation ^b	Level A harassment ZOI (km ²)				Level B harassment ZOI (km ²)
				LF Cetaceans	HF Cetaceans	VHF Cetaceans	PW Pinnipeds	All marine mammals
PSP & Floating Docks ^a	36" Diameter Steel Pipe Piles. 24–30" Diameter Steel Pipe Piles.	DTH Drilling	5 dB	2.633	0.079	4.485 (4.480)	2.167	29.336 (11.330)

TABLE 8—THE CALCULATED ZOIS FOR EACH PROJECT COMPONENT AND INSTALLATION AND REMOVAL ACTIVITY—
Continued

Project component	Pile type	Installation method	Broadband noise attenuation ^b	Level A harassment ZOI (km ²)				Level B harassment ZOI (km ²)
				LF Cetaceans	HF Cetaceans	VHF Cetaceans	PW Pinnipeds	All marine mammals
Falsework Platform	14" Diameter Steel H Piles.	Vibratory Pile Driving and Removal. Impact Pile Driving	0 dB	0.00003	0.000005	0.000021	0.00005	1.833
				39.197	0.634	93.807	30.915	351.81

^a The ZOIs for PSP & floating dock piles for Level A VHF cetaceans and Level B harassment all marine mammals both extend into Canadian waters. ZOIs in parentheses represent the truncated zones within US waters only.
^b A NAS will be deployed during all phases of PSP/floating dock pile installation. No NAS is planned during falsework platform installation and removal.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density and other relevant information which will inform the take calculations. Density estimates, scientific literature, local information, and monitoring data from the previous nearby Eastport Breakwater Project (Maine DOT 2015 & 2017) were used to inform take calculations. Density estimates were calculated using the 2023 density models from the Duke University Marine Geospatial Ecological Laboratory (Roberts *et al.*, 2016, 2023). The density models have 5 x 5 km

spatial resolution cells with monthly density values for each cell. At the mouth of the Quoddy Narrows Inlet, ME are three density cells which represent the nearest density data to the project location. The maximum monthly density data from these three cells were used to determine density estimates for all cetacean species with regular or common presence in the area, *i.e.*, Atlantic white-sided dolphin, minke whale, common dolphin, and harbor porpoise (table 9). Local and recent monitoring data are available for harbor and gray seals near the project area. For seals, sighting records from nearby monitoring surveys are preferred

because the data represent reliable detections of local species and may provide more detail and context to each sighting than what can be inferred from model results. Two nearby monitoring reports have been reviewed, and each contain sufficient detection data to calculate exposure estimates for this project (ME DOT 2015, 2017) (table 10 and table 11). Both monitoring reports contain PSO (protected species observer) detections during breakwater construction at Eastport, Maine, located in Washington County, in Cobscook Bay and situated approximately 4.83 km (3 mi) from the Lubec Safe Harbor Project Area.

TABLE 9—MAXIMUM ESTIMATED DENSITIES (ANIMALS/KM²) USED FOR EXPOSURE ESTIMATION

Species	Monthly densities (animals/km ²)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Minke whale	0.0001	0.0001	0.0002	0.002	0.005	0.009	0.008	0.007	0.004	0.003	0.0001	0.0001
Harbor seal ^a	0.128	0.162	0.120	0.134	0.228	0.855	1.268	1.037	0.669	0.473	0.043	0.063
Gray seal ^a	0.058	0.074	0.055	0.061	0.104	0.389	0.577	0.472	0.304	0.215	0.019	0.029
Harbor porpoise	0.073	0.102	0.099	0.116	0.101	1.661	2.951	3.205	2.531	1.966	1.743	0.050
Atlantic white-sided dolphin	0.021	0.017	0.013	0.017	0.032	0.049	0.038	0.025	0.037	0.054	0.033	0.033
Common dolphin	0.005	0.001	0.001	0.001	0.003	0.005	0.008	0.014	0.015	0.017	0.019	0.016

Source: Roberts *et al.*, 2016, 2023.
 Note: Blue cells with bold values indicate the highest monthly density for each species.
^a Density was adjusted by their relative abundance.

TABLE 10—INDIVIDUALS OBSERVED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT 2015–2016 SEASON

Month	Number of seals observed
July 2015	190
August 2015	133
September 2015	139
November 2015	170
December 2015	20
January 2016	42
February 2016	13
March 2016	27
April 2016	22
May 2016	3
June 2016	11
Total	916

TABLE 11—INDIVIDUALS OBSERVED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT 2017 SEASON

Month (2017)	Number of seals observed
January	0
February	3

TABLE 11—INDIVIDUALS OBSERVED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT 2017 SEASON—Continued

Month (2017)	Number of seals observed
March	14
April	12
May	15
Total	44

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and is authorized.

ME DOT estimated the take of marine mammals for the Lubec Safe Harbor Project using two different methods. Take for cetaceans was calculated using the 2023 density models from Duke University Marine Geospatial Ecological Laboratory (Roberts *et al.*, 2016, 2023). Take for seals was calculated based on monitoring data from two construction seasons of the nearby Eastport Breakwater Project in Eastport, Maine which is about 5 km away from Lubec.

As previously noted, NMFS cannot authorize incidental take under the MMPA that may occur within the territorial seas of foreign nations (from 0–12 nmi (nautical miles) (22.2 km) from shore), as the MMPA does not apply in those waters. However, NMFS has still calculated the estimated level of incidental take in the entire activity area (including Canadian territorial waters) as part of the analysis supporting our determination under the MMPA that the activity will have a negligible impact on the affected species. The total estimated take in U.S. and Canadian waters is presented in table 14 (see Negligible Impact Analysis and Determination).

Take calculations for cetaceans used the maximum monthly density and equation 1 below. Take calculations for gray and harbor seals used monitoring data recorded from two construction seasons at the Eastport Breakwater Project and equation 2 below.

- (1) Estimated Take = maximum monthly density (table 9) × ZOI for the specific pile-related activity (table 8) × total number of days of specific pile-related activity (table 1)
- (2) Estimated Take = average daily number of observed individuals per month (table 12) × total number of days of specific pile-related activity per month (table 13)

Minke Whale

A total of 28 minke whales were observed during the Eastport Breakwater Project, and there is a small potential for

them to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 98 minke whale takes, by Level B harassment only. However, NMFS authorizes only the take of minke whales estimated to occur in US waters (65).

The largest Level A harassment zone for minke whales extends 1,244 m (table 7). ME DOT is required to implement shutdown zones for low-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected low occurrence of minke whales in the area, implementation of the shutdown zones is expected to eliminate the potential for take by Level A harassment of minke whales. Therefore, no take by Level A harassment is authorized for minke whales.

Atlantic White-Sided Dolphin

No Atlantic white-sided dolphins were observed during the Eastport Breakwater Project, and there is a small potential for them to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 581 Atlantic white-sided dolphin takes by Level B harassment only. However, NMFS authorizes only the take of Atlantic white-sided dolphins estimated to occur in US waters (379).

The largest Level A harassment zone for Atlantic white-sided dolphins extends 159 m from the noise source (table 7). ME DOT is required to implement shutdown zones for high-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected rare occurrence of Atlantic white-sided dolphins in the area, implementation of the shutdown zones is expected to eliminate the potential for take by Level A harassment of Atlantic white-sided dolphins. Therefore, no take by Level A harassment authorized for Atlantic white-sided dolphins.

Common Dolphin

No common dolphins were observed during the Eastport Breakwater Project, and there is a small potential for

to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 204 common dolphin takes by Level B harassment. However, NMFS authorizes only the take of common dolphins estimated to occur in US waters (133).

The largest Level A harassment zone for common dolphins extends 159 m from the noise source (table 7). ME DOT is required to implement shutdown zones for high-frequency cetaceans that exceed the Level A harassment isopleth for all activities. Therefore, when considered in context of the expected rare occurrence of common dolphins in the area, implementation of the shutdown zones is expected to eliminate the potential for take by Level A harassment of common dolphins. Therefore, no take by Level A harassment is authorized for common dolphins.

Harbor Porpoise

A total of 76 harbor porpoises were observed during the Eastport Breakwater Project, and they are expected to occur within the Lubec Project area. Use of the information and equation described above results in an estimated total of 32,238 harbor porpoise takes by Level B harassment. However, NMFS authorizes only the take of harbor porpoises estimated to occur in US waters (20,131).

To estimate expected take by Level A harassment for species with larger Level A harassment zones and which are expected to occur more frequently (*i.e.*, harbor porpoise and seals), while accounting for implementation of shutdown zones (table 15), exposures within the estimated Level A harassment zones but outside the shutdown zones (where the Level A harassment zones are larger than the shutdown zones) were calculated. Proportions of the total Level A harassment areas that are outside of the shutdown zones are applied to the total Level A harassment estimates to calculate the expected instances of take by Level A harassment that are authorized. Where the estimated Level A harassment zones extend into Canadian waters, the associated estimates of take by Level A harassment

are adjusted as described above for Level B harassment to ensure that only takes expected to occur within U.S. waters are authorized. Use of the information and equation described above results in an estimated total of 6,080 harbor porpoise takes by Level A harassment. However, NMFS authorizes only the take of harbor porpoises estimated to occur in US waters (6,031).

Gray Seal

A total of 916 seals were observed during the 2015–2016 Eastport Breakwater Project 2015–2016 season. Seal data were combined as observers had difficulty differentiating in the field between harbor and gray seals. There is potential for gray seals to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 268 gray seal takes. However, NMFS authorizes only the take of gray seals estimated to occur in US waters (132), with 92 (228 including Canadian waters) by Level B harassment and 40 by Level A harassment. Instances of Level A harassment versus Level B

harassment was proportioned out by the number of days per activity and proportion of Level A and B harassment zone size. The number of days of DTH reflects 88.9% of activity while vibratory and impact pile driving represent 5.5% each. Once take was proportioned out into each activity it was further proportioned based on the size of the Level A and Level B harassment zone. DTH has about 10.5% of its Level A harassment zone within the Level B harassment zone, while due to shutdown procedures and zone size vibratory driving will only cause potential take by Level B harassment and impact driving will only cause potential take by Level A harassment.

Harbor Seal

A total of 916 seals were observed during the 2015–2016 Eastport Breakwater Project 2015–2016 season, seal data were combined as observers had difficulty differentiating in the field between harbor and gray seals. However, there were 44 harbor seals observed during the 2017 construction season of the Eastport Project. There is

potential for harbor seals to overlap with the Lubec Project area. Use of the information and equation described above results in an estimated total of 548 harbor seal takes. However, NMFS authorizes only the take of gray seals estimated to occur in US waters (301), with 220 (548 including Canadian waters) by Level B harassment and 81 by Level A harassment. Take by Level A versus Level B harassment was proportioned out by the number of days per activity and proportion of Level A and B harassment zone size. The number of days of DTH reflects 88.9% of activity while vibratory and impact pile driving represent 5.5% each. Once take was proportioned out into each activity it was further proportioned based on the size of the Level A and Level B harassment zone. DTH has about 10.5% of its Level A harassment zone within the Level B harassment zone, while due to shutdown procedures and zone size vibratory driving will only cause potential take by Level B harassment and impact driving will only cause potential take by Level A harassment.

TABLE 12—AVERAGE DAILY OBSERVED INDIVIDUAL ANIMALS DETECTED PER MONTH AT EASTPORT, MAINE BREAKWATER PROJECT

Observation month	Species detected at Eastport, Maine	
	Harbor seal	Gray seal
January	0.96	0.88
February	0.84	0.68
March	0.82	0.37
April	0.88	0.34
May	0.85	0.16
June	0.42	0.19
July	6.53	2.97
August	5.08	2.31
September	5.31	2.42
October	5.02	2.28
November	6.87	3.13
December	1.15	0.52

* Source Maine DOT.

TABLE 13—MONTHLY CONSTRUCTION SCHEDULE FOR THE SAFE HARBOR PROJECT

Year	Month	Number of piles installed per month			Number of piles removed per month	Days of activity per month	
		PSP piles	Floating dock piles	Falsework piles			
2025	March	6		5	5	14	
	April	6		5	5	14	
	May	6		5	5	14	
	June	6		5	5	14	
	July	6		5	5	14	
	August	6		5	5	14	
	September	6		5	5	14	
	October	6		5	5	14	
	November	6		5	5	14	
	December	6	8	5	5	30	
	2026	January	6	8	5	5	30
		February	6	8	5	5	30

TABLE 13—MONTHLY CONSTRUCTION SCHEDULE FOR THE SAFE HARBOR PROJECT—Continued

Year	Month	Number of piles installed per month			Number of piles removed per month	Days of activity per month
		PSP piles	Floating dock piles	Falsework piles		
	March .....	.....	8	5	5	18
Total Piles .....	.....	72	32	65	65	234
Total Days .....	.....	144	64	13	13	234

The total take estimates that are authorized for each species for the Lubec Harbor Project can be found below in table 14.

TABLE 14—ESTIMATED AND AUTHORIZED TAKE BY LEVEL A AND LEVEL B HARASSMENT BY SPECIES

Common name	Stock	Stock abundance	Level A harassment ^a	Level B harassment ^a	Total take—US waters authorized only ^a	Take percentage of stock in US waters
Minke Whale	Canadian Eastern Coast	21,968	0	65 (98)	65 (98)	<1
Atlantic White-Sided Dolphin.	Western North Atlantic	31,506	0	379 (581)	379 (581)	1.2
Common Dolphin	Western North Atlantic	93,100	0	133 (204)	133 (204)	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	85,765	6,031 (6,080)	20,131 (32,238)	26,162 (38,318)	30.5
Harbor Seal	Western North Atlantic	61,336	81	220 (467)	301 (548)	<1
Gray Seal	Western North Atlantic	394,311	40	92 (228)	132 (268)	<1

^a The parenthetical number represents the total number of takes including those estimated to occur in Canadian waters.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or

stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Mitigation for Marine Mammals and Their Habitat

Implementation of Shutdown Zones— For all pile driving/removal activities, ME DOT would implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Implementation of shutdowns would be used to avoid or minimize incidental Level A harassment takes from vibratory, impact pile driving and removal, and DTH drilling (table 15). For all vibratory pile driving/removal activities, a minimum 10-m shutdown zone would be established for marine

mammals as outlined in ME DOT’s IHA application. Shutdown zones for impact pile driving and DTH drilling are based on the Level A harassment zones and monitoring feasibility and therefore vary by marine mammal hearing group (table 15). The shutdown zones for DTH drilling for low frequency and high frequency cetaceans were rounded up from the estimated Level A harassment zone for each particular activity. The largest Level A harassment zone for low frequency cetaceans from DTH is 1,244 m, and a shutdown zone of 1,245 m is required, given the expected ability to detect those species at that distance. The largest Level A harassment zone from DTH for high frequency cetaceans is 159 m, and a shutdown zone of 160 m is required, given the expected ability to detect those species at that distance. The same methodology was used for impact pile driving for low frequency, high frequency, very high frequency cetaceans, and pinnipeds. The largest Level A harassment zone for low frequency cetaceans is 112 m, so a shutdown zone of 115 m is required, given the expected ability to detect those species at that distance. The largest Level A harassment zone for high frequency cetaceans for impact pile driving is 14 m, so a shutdown zone of 15 m is required, given the expected ability to detect those species at that

distance. The largest Level A harassment zone for very high frequency cetaceans is 173 m, so a shutdown zone of 175 m is required, given the expected ability to detect those species at that distance. The largest Level A harassment zone for pinnipeds is 99 m, so a shutdown zone of 100 m is required, given the expected ability to

detect those species at that distance. The Level A harassment zones for DTH drilling for very high frequency cetaceans and phocids are considered too large to effectively monitor (Table 7). Therefore a shutdown zone of 500m is required, as we consider that distance to be the largest reasonable zone a PSO can monitor for more cryptic species

like harbor porpoises and seals in this circumstance. The placement of PSOs during all pile driving activities (described in detail in the Monitoring and Reporting section) would ensure the full extent of shutdown zones are visible to PSOs.

TABLE 15—SHUTDOWN AND CLEARANCE ZONES (m) FOR EACH PROJECT COMPONENT

Project component	Pile installation activity	Bubble curtain used	Shutdown & clearance distances			
			LF cetaceans	HF cetaceans	VHF cetaceans	PW pinnipeds
PSP	DTH Drilling	Yes	1,245	160	^a 500	^a 500
Floating Docks	Vibratory Setting & Removal	No	10	10	10	10
Falsework Platform		Impact Hammer	No	115	15	175	100

Note: Mitigation ranges were selected based on the acoustic isopleth results, plus an added buffer of rounding up to the nearest 5 m for PSO clarity.

^aIt is NMFS' recommendation for this Project that a 500-m maximum shutdown and clearance zone be assumed for VHF cetaceans and pinnipeds for monitoring feasibility.

Monitoring for Level A and Level B harassment—ME DOT has identified monitoring zones correlated with the Level B harassment zones. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. PSOs would monitor the entire visible area to maintain the best sense of where animals are moving relative to the zone boundaries defined in table 15. A minimum of two PSOs will be required to be on duty at all times during pile activity. ME DOT will send a Marine Mammal Monitoring Plan 90 days prior to the project's starting date with specific PSO locations.

Bubble Curtain—A bubble curtain would be used for all DTH drilling activities for construction of the PSP and floating dock. Bubble curtains will not be used for installation or removal of the piles for the falsework platform. Bubble curtains will be used to achieve a broadband noise attenuation which will effectively minimize the extent of the SELcum isopleths and reduce the sizes of the overall ZOIs. It is anticipated that a 5-dB broadband attenuation level will consistently be achieved; therefore, all exposure estimates and the resulting take request account for all stages of structural pile installation activities associated with this project and are based on 5 dB attenuation (not including falsework pile installation and removal). The

bubble curtain must distribute air bubbles around 100 percent of the piling circumference for the full depth of the water column. The lowest bubble ring must be in contact with the substrate for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent substrate contact. No parts of the ring or other objects shall prevent full substrate contact. Air flow to the bubblers must be balanced around the circumference of the pile.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs would observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone would be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 15 minutes. If the monitoring zone has been observed for 30 minutes and marine mammals are not present within the zone, soft-start procedures can commence and work can continue. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones, indicated in table 15, are clear of marine mammals. When a marine mammal for which take by Level B harassment is authorized is present in the Level B harassment zone, activities may begin. If work ceases for more than 30 minutes, the pre-activity monitoring

of both the monitoring zone and shutdown zone would commence.

Soft Start—The use of a soft start procedure is believed to provide additional protection to marine mammals by warning marine mammals or providing them with a chance to leave the area prior to the hammer operating at full capacity. ME DOT will utilize soft start techniques for impact pile driving. We require an initial set of three strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent three-strike sets. Soft start will be required at the beginning of each day's impact pile driving work and at any time following a cessation of impact pile driving of 30 minutes or longer; the requirement to implement soft start for impact driving is independent of whether vibratory driving has occurred within the prior 30 minutes. Soft start is not required during vibratory pile driving activities. Based on our evaluation of the applicant's measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include

the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Visual Monitoring—Marine mammal monitoring during pile driving activities would be conducted by PSOs meeting NMFS' standards and in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO would have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute education (degree in biological science

or related field) or training for experience; and

- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer would be required to have prior experience working as a marine mammal observer during construction.

- PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs should have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after pile driving/removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving/removal activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

A minimum of two PSOs would be on duty during all in-water construction activities. Locations from which PSOs would be able to monitor from will be determined by ME DOT 90 days prior to the start of construction in their NMFS-approved Marine Mammal Monitoring Plan.

PSOs would scan the waters using binoculars or spotting scopes and would use a handheld range-finder device to verify the distance to each sighting from the project site. PSOs would be placed at the best vantage point(s) practicable

to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator via a radio.

Reporting—A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.*, impact driving) and for each pile or total number of strikes for each pile (impact driving).
- PSO locations during marine mammal monitoring.
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information: Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; time of sighting; identification of the animal(s) (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; distance and bearing of each marine mammal observed relative to the pile being driven for each sighting (if pile driving was occurring at time of sighting); estimated number of animals (min/max/best estimate); estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); animal's closest point of approach and estimated time spent within the harassment zone; description of any marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.*, no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and,
- Detailed information about any implementation of any mitigation

triggered (e.g., shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report would constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Dead or Injured Marine Mammals—In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (PR.ITP.MonitoringReports@noaa.gov and itp.potlock@noaa.gov), and to the Greater Atlantic Marine Mammal Stranding Network as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken”

through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (e.g., intensity, duration), the context of any impacts or responses (e.g., critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 2, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving, removal, and DTH drilling activities associated with the project as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level A harassment and Level B harassment from underwater sounds generated from pile driving, removal, and DTH drilling. Potential takes could occur if individuals of these species are present in zones ensounded above the thresholds for Level A or Level B harassment identified above when these activities are underway.

Take by Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No serious injury or mortality is authorized given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. Take by Level A harassment is only anticipated for harbor porpoises, harbor seals, and gray seals. The potential for harassment is minimized through the construction method (i.e. vibratory methods to the extent practical) and the

implementation of the mitigation measures (see the Mitigation section).

Behavioral responses of marine mammals to pile driving, removal, and drilling at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues that they are disturbed by activities or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. However, given the project schedule and appropriate mitigation, any harassment would be temporary.

In addition to the expected effects resulting from Level B harassment, we anticipate that harbor porpoises, harbor seals, and gray seals may sustain some limited Level A harassment in the form of PTS. However, any PTS is expected to be of a small degree (i.e., minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by pile driving (below 2 kHz)) because animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of PTS. If hearing impairment occurs, it is most likely that the affected animal would lose a few decibels in its hearing sensitivity, which in most cases is not likely to meaningfully affect its ability to forage and communicate with conspecifics, as it would be minor and not in the region of greatest hearing sensitivity.

Additionally, and as noted previously, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. Because of the small degree anticipated, though, any PTS or TTS potentially incurred here would not be expected to adversely impact individual fitness, let alone annual rates of recruitment or survival.

The pile driving activities are also not expected to have significant adverse effects on these affected marine mammals’ habitats. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals’ foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the specified activities will have only minor, short-term effects on individuals that will not have any bearing on those individuals' fitness. Thus the specified activities are not expected to impact rates of recruitment or survival and will therefore have a negligible impact on those species or stocks.

As described above, we authorize only the takes estimated to occur in United States waters (table 14); however, for the purposes of our negligible impact analysis and determination, we consider the total number of takes that are anticipated to occur as a result of the entire project (including the portion of the Level B harassment zone that extends into Canadian waters) (table 14).

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior;

- The potential impacts of Level A harassment on harbor porpoises, harbor seals, and gray seals are not anticipated to increase individual impacts to a point where any population-level impacts might be expected;

- The absence of any significant habitat within the industrialized project areas, including known areas or features of special significance for foraging or reproduction; and

- The presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable adverse impact.

- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations from either project;

- The ensonified areas from the project are very small relative to the overall habitat ranges of all species and stocks, and will not cause more than minor impacts.

- There are no ESA-designated critical habitat, Biologically Important Areas, or any other areas of known biological importance near the project site.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is less than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

TABLE 16—TOTAL ESTIMATED TAKE, INCLUDING CANADIAN TERRITORIAL WATERS

Common name	Stock	Stock abundance	Level A harassment	Level B harassment	Total take	Take percentage of stock
Minke Whale	Canadian Eastern Coast	21,968	0	98	98	<1
Atlantic-White Sided Dolphin.	Western North Atlantic	31,506	0	581	581	1.8
Common Dolphin	Western North Atlantic	93,100	0	204	204	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	85,765	6,080	32,238	38,318	44.7
Harbor Seal	Western North Atlantic	61,336	81	467	548	<1
Gray Seal	Western North Atlantic	394,311	40	228	268	<1

Table 16 demonstrates the number of animals that NMFS anticipates could be taken by Level A and Level B harassment for the project. Our analysis shows that, other than harbor porpoise, less than 2 percent of each affected stock could be taken by harassment. The numbers of animals authorized to be taken for these stocks would be considered small relative to the relevant stock's abundances, even if each estimated taking occurred to a new individual, which is an unlikely scenario. For harbor porpoise, the number is higher. However, because the project is located in a single, localized area (Lubec, ME) relative to the range of the affected stock of harbor porpoise, it

is likely that the number of takes authorized for harbor porpoise would represent repeated takes of a significantly smaller number of individuals. In summer, harbor porpoise are most likely to range from the northern Gulf of Maine through the southern Bay of Fundy and around the southern tip of Nova Scotia. This more concentrated range is itself a very large area relative to the area affected by this project, and in the spring and fall porpoise are likely to be dispersed over an even broader range from North Carolina to New Brunswick. On this basis, NMFS finds that the number of individuals likely to be taken for harbor

porpoise is likely to be of no more than small numbers.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or

stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we authorize take for endangered or threatened species.

No incidental take of ESA-listed species authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our action (*i.e.*, the issuance of an IHA) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to ME DOT for the potential harassment of small numbers of 6 marine mammal species incidental to the Lubec Harbor project in Lubec, Maine, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: April 23, 2025.

Catherine Marzin,

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

[FR Doc. 2025-07344 Filed 4-28-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE836]

Marine Mammals; File No. 28712

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Kaitlin Allen, Ph.D., Woods Hole Oceanographic Institution, 266 Woods Hole Road, MS No. 50, Woods Hole, MA 02543, has applied in due form for a permit to import, export, and receive marine mammal parts for scientific research.

DATES: Written comments must be received on or before May 29, 2025.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 28712 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 28712 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a 10-year permit to import, export, and receive parts from up to 200 individual cetaceans and 200 individual pinnipeds

(excluding walrus), annually, to understand diving, metabolic, and reproductive physiology. Sources of foreign and domestic parts may include other authorized researchers or curated collections, subsistence harvests, captive animals, bycatch from legal commercial fishing operations, and foreign stranded animals.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 23, 2025.

Julia M. Harrison,

Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 2025-07330 Filed 4-28-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE718]

Marine Mammals; File No. 28850

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Cascadia Research Collective (Responsible Party: John Calambokidis), 218½ West Fourth Avenue, Olympia, Washington 98501, has applied in due form for a permit to conduct on marine mammals.

DATES: Written comments must be received on or before May 29, 2025.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 28850 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to

NMFS.Pr1Comments@noaa.gov. Please include File No. 28850 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov*. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Courtney Smith, Ph.D., or Shasta McClenahan, Ph.D., (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a 10-year permit to take marine mammals in the North Pacific Ocean to study distribution, abundance, long-term trends, movements, population structure, body condition, health, ecology, behavior, and impact of human activities. Up to 32 species of marine mammals may be targeted for research including the following ESA-listed species: blue (*Balaenoptera musculus*), fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus*; Western North Pacific distinct population segment [DPS]), humpback (*Megaptera novaeangliae*; Western North Pacific, Mexico, and Central America DPSs), killer (*Orcinus orca*; Southern Resident DPS), North Pacific right (*Eubalaena japonica*), sei (*Balaenoptera borealis*), and sperm (*Physeter macrocephalus*) whales; Guadalupe fur seals (*Arctocephalus townsendi*) and Steller sea lions (*Eumetopias jubatus*). Research would include vessel and aerial surveys (manned and unmanned) for counts, passive acoustic recording, observations, photo-identification, photogrammetry, thermal imaging, video recording, echosounders for prey mapping, biological sampling (sloughed skin, exhaled air, feces, prey remains, skin and blubber biopsy), and tagging (suction-cup and dart). Biological samples may be imported and exported for analysis. See the application for numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the

activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 23, 2025.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2025-07329 Filed 4-28-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF ENERGY

[Case Number 2024-008; EERE-2024-BT-PET-0008]

Energy Conservation Program: Notice of Decision and Order Granting an Exemption to E.L. Foust Co. From the Department of Energy Air Cleaner Energy Conservation Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of decision and order.

SUMMARY: The U.S. Department of Energy (DOE) hereby gives notice of a Decision and Order (Case Number 2024-008) that grants to E.L. Foust Co. (ELF) a small business exemption from the DOE air cleaner energy conservation standards. Specifically, ELF is granted an exemption from the Tier 1 energy conservation standards for air cleaners through December 30, 2025.

DATES: The Decision and Order is effective on April 29, 2025.

ADDRESSES: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at www.regulations.gov/docket/EERE-2024-BT-PET-0008. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Domm, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000

Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-9870. Email:

ApplianceStandardsQuestions@ee.doe.gov.

Ms. Ani Esenyan, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121.

Telephone: (202) 586-4798. Email: *ani.esenyan@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR part 430, subpart E, DOE gives notification of the issuance of its Decision and Order as set forth below. The Decision and Order grants ELF a small business exemption from the applicable energy conservation standards for air cleaners specified at 10 CFR 430.32(ee)(1) through December 30, 2025. If ELF chooses to make any representations concerning the energy efficiency of the its air cleaner basic models, it must do so in accordance with the DOE test procedure specified in 10 CFR 430.23(hh)(4) and appendix FF to 10 CFR part 430, subpart B (appendix FF).

Case # 2024-008

Decision and Order

I. Authority and Background

The Energy Policy and Conservation Act, Public Law 94-163, as amended (EPCA),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part B of EPCA² established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include air cleaners, the subject of this document. (42 U.S.C. 6292(a)(20))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A-1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

Consistent with the requirements in 42 U.S.C. 6295, DOE has established energy conservation standards for air cleaners. On April 11, 2023, DOE published a direct final rule adopting the standards and compliance dates consistent with the recommendations from a group of joint stakeholders representing manufacturers, efficiency advocates, and consumer groups. 88 FR 21752. These standards apply to products manufactured in, or imported into, the United States starting on December 31, 2023, for the Tier 1 standards specified in 10 CFR 430.32(ee)(1) and on December 31, 2025, for the Tier 2 standards specified in 10 CFR 430.32.(ee)(2).

Under 42 U.S.C. 6295(t), DOE may grant a temporary exemption from an applicable energy conservation standard to a manufacturer if DOE finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed \$8,000,000 for the 12-month period preceding the date of the application. In making this finding, DOE must account for the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer (42 U.S.C. 6295(t)(1)). The Secretary may not grant an exemption with respect to any type (or class) of covered product subject to an energy conservation standard unless the Secretary finds, after obtaining the written views of the Attorney General, that a failure to allow an exemption would likely result in a lessening of competition. (42 U.S.C. 6295(t)(2))

Subpart E of 10 CFR part 430 specifies further information regarding the purpose and process for considering applications for small business exemptions under 42 U.S.C. 6295(t). Among these requirements, 10 CFR 430.52(b) specifies that an application shall be in writing and shall include the following:

- (1) Name and mailing address of applicant;
- (2) Whether the applicant controls, is controlled by, or is under common control with another manufacturer, and if so, the nature of that control relationship;
- (3) The text or substance of the standard or portion thereof for which the exemption is sought and the length of time desired for the exemption;
- (4) Information showing the annual gross revenue of the applicant for the preceding 12-month period from all of its operations (including the manufacture and sale of covered products);

(5) Information to show that failure to grant an exemption is likely to result in a lessening of competition;

(6) Such other information, if any, believed to be pertinent by the petitioner; and

(7) Such other information as the Secretary may require.

After receiving an application and accepting it for filing, DOE publishes a notice announcing the application in the **Federal Register**. 10 CFR 430.53(d). DOE transmits notice of the application for exemption to the Attorney General with: (a) a statement of the facts and of the reasons for the exemption, and (b) copies of all documents submitted. 10 CFR 430.54. After obtaining the written views of the Attorney General, the Secretary evaluates whether a failure to allow an exemption would likely result in a lessening of competition (see 10 CFR 430.55) and then issues a decision and order either granting or denying the application (see 10 CFR 430.56) in accordance with 42 U.S.C. 6295(t)(2).

II. E.L. Foust Co. Application for a Small Business Exemption

On May 27, 2024,³ E.L. Foust Co. (ELF) submitted an application, pursuant to subpart E of 10 CFR part 430, requesting a small business exemption from the energy conservation standards at 10 CFR 430.32(ee). As discussed previously, there are two tiers of standards for air cleaners. Compliance with the Tier 2 standards is not required until December 31, 2025, which is the date on which the requested exemption from the December 31, 2023, Tier 1 standards expires. As such, DOE did not consider an exemption for ELF for the Tier 2 standards. ELF will need to submit a separate application if they wish to request an exemption from the Tier 2 standards. Such an application would need to include current financial information available at that time and information regarding impacts on competition with respect to the Tier 2 standards.

ELF requested an exemption on the basis of its status as a small business. According to ELF, failure to receive a small business exemption would likely result in a lessening of competition in the market for air cleaners. ELF requested that the exemption apply for two years. In its application, ELF referred to the market for air cleaners intended for people with multiple chemical sensitivity. Specifically, ELF stated that its air purifiers are built with

zero plastic or glue to eliminate volatile organic compounds (VOCs), and they offer particulate filtration. ELF claimed that larger companies do not offer these types of air cleaners, and estimated that five manufacturers, including ELF, specifically serve the market by not using plastics and glues in their air cleaners and by providing substantial gas phase filtration media. ELF stated that three of these manufacturers are based in the United States and that if DOE does not grant ELF an exemption, the market would be reduced to two U.S. manufacturers. ELF stated that the effects of the rule on those manufacturers is not known. ELF also stated that less competition in the non-plastic air cleaner market would accelerate the loss of non-plastic air cleaners and those products would become more expensive to consumers.

On October 7, 2024, DOE issued a notice announcing the receipt of and publishing ELF's application for exemption. 89 FR 81059. In accordance with its regulations, DOE also transmitted ELF's application for exemption to the Attorney General along with: (a) A statement of the facts and of the reasons for the exemption, and (b) copies of all documents submitted. 10 CFR 430.54.

In response to the 2024 notice announcing ELF's application, DOE received comments submitted by Daikin Comfort Technologies North America, Inc. (Daikin)⁴ and Michael Ravnitzky (Ravnitzky)⁵. Daikin opposed the small business exemption, noting that there are about 5 manufacturers in this segment of the air cleaner market making products without plastics or glue to eliminate VOCs for people who suffer from multiple chemical sensitivity, and that granting the waiver will lessen the energy savings of the air cleaner energy conservation standards and provide an unfair cost advantage for ELF's products. Ravnitzky supported the request for a two-year waiver due to concern for the impact that denying the waiver would have on individuals with multiple chemical sensitivity.

III. Consultation with Other Agencies

Per 42 U.S.C. 6295(t)(2), DOE obtained the written views of the Attorney General concerning ELF's application for exemption. Under this statutory provision, DOE may only grant a small business exemption if it has consulted with the Attorney General

⁴ Daikin's comments can be accessed at: www.regulations.gov/comment/EERE-2024-BT-PET-0008-0003.

⁵ Ravnitzky's comments can be accessed at: www.regulations.gov/comment/EERE-2024-BT-PET-0008-0002.

³ The date in ELF's application is specified as May 26, 2024, but the application was received by DOE via email on May 27, 2024.

and finds that a lessening of competition would likely result. In its assessment letter⁶ responding to DOE, the Department of Justice (DOJ) concluded that failure to grant ELF's application for a small business exemption for air cleaners would reduce competition to some degree. The basis for DOJ's determination is that, as a result of the standard, ELF will no longer be able to sell its air cleaner products through one of its main distribution channels, and therefore, customers will have one less competitive option through that channel. DOJ made this determination after reviewing ELF's application, as well as the technical analysis supporting the rule from which the exemption is sought. DOJ also reviewed the materials provided in response to the related request for comments, spoke with the company's representative, and reviewed other relevant, publicly available information.

IV. Final Decision and Order

In accordance with 10 CFR 430.55 and 10 CFR 430.56, DOE gives notice of the issuance of its decision and order granting ELF's application for a small business exemption from the Tier 1 standards for air cleaners, specified at 10 CFR 430.32(ee)(1), through December 30, 2025.

In evaluating this matter, DOE first reviewed financial information submitted by ELF as part of its application and found that the annual gross revenues from all its operations (including the manufacture and sale of covered products) did not exceed \$8,000,000 for the 12-month period preceding the date of the application, consistent with 42 U.S.C. 6295(t)(1). DOE then considered whether a failure to allow the exemption would result in a lessening of competition, consistent with 42 U.S.C. 6295(t)(2). After consultation with the Attorney General, DOE has determined that failure to grant a small business exemption would likely result in a lessening of competition. In response to Daikin's comment regarding a lessening in energy savings and potential cost advantage associated with granting the application, DOE notes compliance costs are typically a much larger percentage of revenue for small manufacturers than they are for larger manufacturers. An exemption under 42 U.S.C. 6295(t) allows small manufacturers to spread compliance

costs across a longer timeframe. A necessary result of extending the compliance timeframe for a small manufacturer is a reduction in energy savings and a potential cost advantage for the small manufacturer. But the impact is mitigated by the relatively short duration of the exemption period.

After careful consideration of all the material that was submitted by ELF, comments received in this process, and consultation with DOJ, in this matter, it is ORDERED that:

(1) ELF air cleaners are exempt from the applicable energy conservation standards set forth in 10 CFR 430.32(ee)(1).

(2) This Order is in effect through December 30, 2025. For air cleaners manufactured on and after December 31, 2025, ELF is required to comply with the applicable energy conservation standards specified in 10 CFR 430.32(ee)(2).

(3) To the extent that ELF seeks any additional small business exemption from the standards specified in 10 CFR 430.32(ee)(2), it would be required to submit a separate application regarding those standards in accordance with the requirements in 10 CFR part 430, subpart E.

(4) Any representations of energy efficiency that ELF chooses to make for its air cleaners must be made in accordance with the DOE test procedure specified in 10 CFR 430.23(hh)(4) and appendix FF, as well as the representations requirements specified in 10 CFR 429.68.

(5) This Order is issued on the condition that the statements and representations provided by ELF are valid. DOE may rescind or modify this Order at any time if it determines the factual basis underlying the application for small business exemption is incorrect. Likewise, ELF may request that DOE rescind the order if ELF discovers an error in the information provided to DOE as part of its application.

Signing Authority

This document of the Department of Energy was signed on April 21, 2025, by Louis Hrkman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for

publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 24, 2025.

Treena V. Garrett,

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

DOJ's Letter (Received January 15, 2025)

Sent via email to ani.esenyan@hq.doe.gov and ami.grace-tardy@hq.doe.gov

RE: EL Foust Small Business Exemption

U.S. Department of Justice
Antitrust Division

*RFK Main Justice Building
950 Pennsylvania Avenue NW
Washington, DC 20530*

Ami Grace-Tardy
Assistant General Counsel for Legislation,
Regulation and Energy Efficiency
United States Department of Energy
1001 Independence Ave. SW
Washington, DC 20585

Dear Ms. Grace-Tardy:

I am responding to your October 8, 2024 letter seeking the views of the Attorney General about the potential impact on competition of E. L. Foust Co.'s application for a small-business exemption from energy conservation standards for conventional room air cleaners.

Your request was submitted in accordance with Section 6295(t) of the Energy Policy and Conservation Act of 1975 (ECPA), as amended. This Section provides that the Department of Energy may not grant a small-business exemption from an energy conservation standard until it has obtained the written views of the Attorney General concerning whether competition would be lessened if the Department of Energy does not grant an applicant's requested exemption. 42 U.S.C. 6295(t)(2). The Attorney General's responsibility for responding to requests from other departments about the effect of any action, program or practice upon the maintenance and preservation of competition has been delegated to the Assistant Attorney General for the Antitrust Division in 28 CFR 0.40(g). The Acting Assistant Attorney General for the Antitrust Division has authorized me, as the Policy Director for the Antitrust Division, to provide the Antitrust Division's views regarding the potential impact on competition of proposed energy conservation standards on her behalf.

In conducting its analysis, the Antitrust Division applies the standard set forth in 42 U.S.C. 6295(t)(2) and examines whether failure to grant a small-business exemption would likely result in a lessening of competition, for example, by limiting consumer choice, reducing the number of competitors, or limiting the capability or vigor with which they compete. A lessening of competition could result in higher prices, reduced innovation, and other harms to consumers, workers, and the American economy at large.

We have reviewed E. L. Foust Co.'s notice of application for a small business exemption

⁶ The text of the letter is provided at the end of this notice and is available in the docket for this petition at www.regulations.gov/docket/EERE-2024-BT-PET-0008.

contained in 89 FR 81059, October 7, 2024, as well as the technical analysis supporting the rule from which the exemption is sought. We have also reviewed the materials provided in response to the related request for comments, spoken with the company's representative, and reviewed other relevant, publicly available information. Based on this review, we have learned that one result of the energy conservation standards is that E. L. Foust Co. will no longer be able to sell its air cleaner products through one of its main distribution channels. Customers will therefore have one less competitive option through that channel, necessarily reducing competition to some degree. We have no reason, however, to believe the impact on competition would be more substantial than the small businesses' size would suggest.

Sincerely,

/s/David B. Lawrence,
Policy Director.

[FR Doc. 2025-07352 Filed 4-28-25; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Integrated System—Rate Order No. SWPA-87

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of rate order.

SUMMARY: The Administrator of the Southwestern Power Administration (Southwestern) has confirmed, approved, and placed into effect on an interim basis Rate Order No. SWPA-87 (Rate Order), which provides the following Integrated System rate schedules: *Wholesale Rates for Hydro Peaking Power* (P-23), *Wholesale Rates for Non-Federal Service* (NFS-23), and *Wholesale Rates for Excess Energy* (EE-23). These new rate schedules replace the existing power rates under Rate Schedules P-13B, NFTS-13A, and EE-13 which expire on September 30, 2025. Rate Schedules P-23, NFS-23, and EE-23 increase the annual wholesale power rate for the Integrated System by 22.8 percent.

DATES: The effective period for the rate schedules specified in Rate Order No. SWPA-87 is June 1, 2025, through September 30, 2027, pending confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis, or until superseded.

FOR FURTHER INFORMATION CONTACT: Ms. Fritha Ohlson, Senior Vice President and Chief Operating Officer, Office of Corporate Operations, (918) 595-6684, fritha.ohlson@swpa.gov.

SUPPLEMENTARY INFORMATION: On January 9, 2014, FERC confirmed and

approved Rate Schedules P-13, NFTS-13, and EE-13 under Rate Order No. SWPA-66 on a final basis through September 30, 2017. Subsequently, rate schedule NFTS-13 was renamed to NFTS-13A and rate schedule P-13 was renamed to P-13A and then later to P-13B, in each case with no revenue adjustment.¹ Additionally, all three rate schedules have been extended with no revenue adjustment.² Most recently, the Southwestern Administrator extended rate schedules P-13B, NFTS-13A, and EE-13, via Rate Order No. SWPA-85, through September 30, 2025.

Southwestern published a **Federal Register** notice (Proposed FRN) on November 12, 2024 (89 FR 88997), proposing to modify Integrated System rate schedules to meet the identified average annual revenue requirement of \$237,821,129, an increase of \$44,230,649 (22.8 percent). The Proposed FRN also initiated a 90-day public consultation and comment period and set the date of the public information and public comment forum to be December 18, 2024. No written comments were received and responses to outstanding comments or questions from the public information and public comment forum were posted on Southwestern's website.

Following review of the proposal, Rate Order No. SWPA-87, which provides rate schedules for the Integrated System is hereby confirmed, approved, and placed into effect on an interim basis. Southwestern will submit Rate Order No. SWPA-87 to FERC for confirmation and approval on a final basis.

United States of America

Department of Energy

Administrator, Southwestern Power Administration

In the matter of: Southwestern Power Administration Integrated System Rate Schedules Rate Order No. SWPA-87

Order Confirming, Approving, and Placing Increased Power Rate Schedules in Effect on an Interim Basis (4/23/2025)

Pursuant to Sections 301(b) and 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7151(b) and 7152(a), the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the

¹ Rate Order Nos. SWPA-71 (January 1, 2017), SWPA-73 (July 15, 2017), SWPA-80 (July 15, 2023).

² Rate Order Nos. SWPA-72 (September 13, 2017), SWPA-74 (September 22, 2019), SWPA-77 (August 30, 2021), SWPA-81 (September 20, 2023).

Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (Southwestern), were transferred to and vested in the Secretary of Energy. By Delegation Order No. S1-DEL-RATES-2016, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to Southwestern's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates, to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. S1-DEL-S3-2024, effective August 30, 2024, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Infrastructure. By Redelegation Order No. S3-DEL-SWPA1-2023, effective April 10, 2023, the Under Secretary for Infrastructure redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Southwestern Administrator.

Background

On September 30, 2013, in Rate Order No. SWPA-66, the Deputy Secretary of Energy placed into effect Southwestern's Integrated System rate schedules (P-13, NFTS-13, and EE-13) on an interim basis for the period October 1, 2013, to September 30, 2017. FERC confirmed and approved Southwestern's interim Integrated System rates on a final basis on January 9, 2014, for a period ending September 30, 2017.

Southwestern re-designated Integrated System rate schedule "NFTS-13" as "NFTS-13A" with no revenue adjustment to better align Southwestern's rate schedule with standard practices utilized by the Southwest Power Pool, Inc. In Rate Order No. SWPA-71, the Deputy Secretary of Energy placed into effect Southwestern's rate schedule NFTS-13A on an interim basis beginning January 1, 2017. FERC confirmed and approved NFTS-13A on a final basis on March 9, 2017.

On September 13, 2017, in Rate Order No. SWPA-72, the Deputy Secretary of Energy extended all of Southwestern's Integrated System rate schedules (P-13, NTFs-13A, and EE-13) for two years, for the period of October 1, 2017, through September 30, 2019.

Southwestern re-designated Integrated System rate schedule "P-13" as "P-13A" with no revenue adjustment to

incorporate a new section regarding requirements for the peaking energy schedule submission time. In Rate Order No. SWPA-73, the Assistant Secretary for Electricity placed into effect Southwestern's rate schedule for P-13A on an interim basis beginning July 1, 2019. FERC confirmed and approved P-13A on a final basis on August 29, 2019.

On September 22, 2019, in Rate Order No. SWPA-74, the Assistant Secretary for Electricity extended all of Southwestern's Integrated System rate schedules (P-13A, NFTS-13A, and EE-13) for two years, for the period of October 1, 2019, through September 30, 2021.

On August 30, 2021, in Rate Order No. SWPA-77, the Administrator, Southwestern, extended all of Southwestern's Integrated System rate schedules (P-13A, NFTS-13A, and EE-13) for two years, for the period of October 1, 2021, through September 30, 2023.

Southwestern re-designated Integrated System rate schedule "P-13A" as "P-13B" with no revenue adjustment to update the peaking energy schedule submission time requirements. In Rate Order No. SWPA-80, the Administrator, Southwestern, placed into effect Southwestern's rate schedule for P-13B on an interim basis beginning July 15, 2023. FERC confirmed and approved P-13B on a final basis on February 2, 2024.

On September 25, 2023, in Rate Order No. SWPA-81, the Administrator, Southwestern, temporarily extended all of Southwestern's Integrated System rate schedules (P-13B, NFTS-13A, and EE-13) for one year, for the period of October 1, 2023, through September 30, 2024.

On September 13, 2024, in Rate Order No. SWPA-85, the Administrator, Southwestern, temporarily extended all of Southwestern's Integrated System rate schedules (P-13B, NFTS-13A, and EE-13) for one year, for the period of October 1, 2024, through September 30, 2025.

Discussion

Southwestern's current Integrated System rate schedules (P-13B, NFTS-13A, and EE-13) are based on its 2013 Power Repayment Study (PRS). Each subsequent annual PRS from 2014 through 2022 indicated a need for a revenue adjustment within a plus or minus two percent range of the revenue estimate based on the current rate schedules. It is Southwestern's practice for the Administrator to defer, on a case-by-case basis, revenue adjustments for the Integrated System within plus or minus two percent from the revenue estimate based on the current rate

schedules. Therefore, the Administrator deferred revenue adjustments annually for the Integrated System annually through 2022. Southwestern prepared a 2023 Current PRS which indicated that the existing power rate would not satisfy present financial criteria regarding repayment of investment within a 50-year period due to increased operations and maintenance expenses, increased cost of replacements in the hydroelectric generating and transmission facilities, and an increased need for purchased power and wheeling. The 2023 Revised PRS indicates the need for an increase in annual revenues of \$44,230,649, or 22.8 percent, to accomplish repayment in the required number of years. Accordingly, Southwestern has prepared a Rate Design Study (RDS) and new proposed rate schedules (P-23, NFS-23, and EE-23) based on the additional revenue requirement to ensure repayment.

Southwestern conducted the rate adjustment proceeding in accordance with title 10, part 903, subpart A of the Code of Federal Regulations (10 CFR part 903), "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions." Opportunities for public review and comment during a 90-day period on the proposed Integrated System power rate schedules were announced by a **Federal Register** notice published on November 12, 2024 (89 FR 88997), with written comments due February 10, 2025. A combined public information and comment forum was held virtually on December 18, 2024. Southwestern published the **Federal Register** notice, the proposed rate schedule, and the draft 2023 PRS on its website as well as a transcript of the public forum and responses to outstanding questions from the public forum for customers and interested parties to review and comment upon during the public comment period.

Following the conclusion of the comment period on February 10, 2025, Southwestern finalized the Power Repayment Studies and Rate Schedules P-23, NFS-23, and EE-23 to recover the increased revenue requirement of \$44,230,649 which is the lowest possible rate needed to satisfy the repayment criteria set forth within the provisions of U.S. Department of Energy (DOE) Order No. RA 6120.2. This rate represents an annual increase of 22.8 percent. The Administrator made the decision to approve the rate proposal for implementation.

Southwestern will continue to perform its Power Repayment Studies annually, and if the 2025 results should indicate the need for additional

revenues, another rate adjustment proceeding will be conducted to implement the updated revenue requirements.

Comments and Responses

Southwestern did not receive any written comments during the 90-day public review and comment period. Southwestern did receive oral comments from Ms. Nicki Fuller of Southwestern Power Resources Association, Mr. James Striedel of GDS Associates, representing the Texas customers of Southwestern, Ms. Amanda Kenly of Associated Electric Cooperative, Inc., and Mr. David Yeager of the City of Duncan, Oklahoma, during Southwestern's December 18, 2024, public information and comment forum which are summarized below. The comments are also included verbatim as part of the transcript of the public comment forum which will be submitted to FERC along with other applicable documents for final confirmation and approval of Rate Schedules P-23, NFS-23, and EE-23.

Ms. Fuller asked Southwestern to explain differences between the 2022 and 2023 PRSs. Southwestern explained that the purchased power need increased due to long term generating unit outages and the associated cost increased due to increasing replacement capacity costs; the Corps' operations and maintenance costs increased due to implementation of a new method to estimate costs which better reflects actual operation and maintenance costs experienced; service charges increased due to a new Midcontinent Independent System Operator (MISO) transmission expense; and investment costs increased to reflect actual costs increases experienced for recent investments. In addition to the information provided during the forum Southwestern provided more information on the investment cost increases and project additions on its website after the forum.

Mr. Striedel asked some general questions regarding the Integrated System rate. Southwestern clarified that there are 22 hydroelectric projects and Southwestern's transmission system included in the Integrated System, and 19 of those hydroelectric projects are operated as an interconnected system while the remaining three hydroelectric projects are isolated operationally but integrated financially. Mr. Striedel asked why the operationally isolated projects pay for transmission costs when they are not connected via transmission lines to the interconnected system projects. Southwestern explained that there are transmission costs associated with project investment as well as

project investment associated with transmission which means that some of the transmission service costs does directly benefit isolated projects. Additionally, the diversification of the Integrated System portfolio provides rate stability, particularly to operationally isolated hydroelectric projects.

Ms. Kenly asked Southwestern to confirm that the annual cost for MISO transmission is perpetuated through the end of the 50-year PRS. Southwestern confirmed this in the affirmative. Ms. Kenly asked for additional information on the water assumptions in the 2023 PRS. Southwestern explained that inflow data from 1928 to 2022 is used to inform annual generation amounts in the resource analysis, and the average year for generation is used in the PRS as well as the associated RDS. Ms. Kenly then asked if the resource analysis included any assumed capacity uprates, retirements, or capacity reductions. Southwestern stated that long term outages within the first five years of the study are included in the analysis, but capacity uprates, capacity derates, and retirements are not included in the resource analysis unless they have already been realized. Southwestern provided detailed information on outage and capacity derates on its website after the forum. Finally, Ms. Kenly asked for an overview of the proposed rate structure. Southwestern provided a high-level overview of the 2023 RDS.

Mr. Yeager asked if there was a list of project replacements (a subtotal of project investment) included in the PRS or RDS. Southwestern responded that there is information on project replacements in Appendix J of the PRS.

Availability of Information

Information regarding the rate adjustment proceeding, including the Final 2023 PRS and Rate Proposal, for Rate Schedules P–23, NFS–23, and EE–23 is available for public review in the offices of Southwestern Power Administration, 6655 S Lewis Ave., Tulsa, Oklahoma 74136. Rate Schedules P–23, NFS–23, and EE–23 are available on Southwestern's website at www.energy.gov/swpa/rates-and-repayment.

Certification of Rates

I have certified that the provisional rates under Rate Schedules P–23, NFS–23, and EE–23 are the lowest possible rates consistent with sound business principles. The rates were developed following administrative policies and applicable laws.

Ratemaking Procedure Requirements Environmental Compliance

Southwestern has determined that this action fits within the following categorical exclusions listed in appendix B to subpart D of 10 CFR 1021.410: B4.3 (Electric power marketing rate changes). Categorically excluded projects and activities do not require preparation of either an environmental impact statement or an environmental assessment. A copy of the categorical exclusion determination is available on Southwestern's website at <https://www.energy.gov/swpa/southwestern-power-administration>.

Determination Under Executive Order 12866

Southwestern has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

Rate Schedules P–23, NFS–23, and EE–23 herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and final approval.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective June 1, 2025, the Integrated System Rate Schedule P–23, *Wholesale Rates for Hydro Peaking Power*; Rate Schedule NFS–23, *Wholesale Rates for Non-Federal Service*; and Rate Schedule EE–23, *Wholesale Rates for Excess Energy*. The rate schedules shall remain in effect on an interim basis through September 30, 2027, or until the FERC confirms and approves the rates on a final basis, or until they are superseded by a subsequent rate.

Signing Authority

This document of the Department of Energy was signed on April 23, 2025, by Michael S. Wech, Administrator for Southwestern Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for

publication, as an official document of DOE. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 24, 2025.

Treena V. Garrett,

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

Rate Schedule P–23

**(Supersedes Rate Schedule P–13B)
Effective June 1, 2025**

**United States Department of Energy
Southwestern Power Administration**

Rate Schedule P–23

**Wholesale Rates for Hydro Peaking
Power**

Effective

During the period June 1, 2025, through September 30, 2027, in accordance with interim approval from Rate Order No. SWPA–87 issued by the Administrator on April 23, 2025, and pursuant to final approval by the Federal Energy Regulatory Commission.

Available

In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable

To wholesale Customers which have contractual rights from Southwestern to purchase Hydro Peaking Power and associated energy (Peaking Energy and Supplemental Peaking Energy).

Character and Conditions of Service

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s), at the point(s) of delivery, and in such quantities as are specified by contract.

1. Definitions of Terms

1.1. Ancillary Services

The services necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the System of Southwestern in accordance with good utility practice, which include the following:

1.1.1. Scheduling, System Control, and Dispatch Service

Is provided by Southwestern as Balancing Authority Area operator and is in regard to interchange and load-match scheduling and related system control and dispatch functions.

1.1.2. Reactive Supply and Voltage Control From Generation Sources Service

Is provided at generation and transmission facilities in the System of Southwestern to produce or absorb reactive power and to maintain transmission voltages within specific limits.

1.1.3. Regulation and Frequency Response Service

Is the continuous balancing of generation and interchange resources accomplished by raising or lowering the output of on-line generation as necessary to follow the moment-by-moment changes in load and to maintain frequency within a Balancing Authority Area.

1.1.4. Spinning Operating Reserve Service

Maintains generating units on-line, but loaded at less than maximum output, which may be used to service load immediately when disturbance conditions are experienced due to a sudden loss of generation or load.

1.1.5. Supplemental Operating Reserve Service

Provides an additional amount of operating reserve sufficient to reduce Area Control Error to zero within 10 minutes following loss of generating capacity which would result from the most severe single contingency.

1.1.6. Energy Imbalance Service

Corrects for differences over a period of time between schedules and actual hourly deliveries of energy to a load. Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and is returned to the providing party by the receiving party in accordance with standard utility practice or a contractual arrangement between the parties.

1.2. Customer

The entity which is utilizing and/or purchasing Federal Power and Federal Energy and services from Southwestern pursuant to this Rate Schedule.

1.3. Demand Period

The period of time used to determine maximum integrated rates of delivery for the purpose of power accounting which is the 60-minute period that begins with the change of hour.

1.4. Federal Power and Energy

The power and energy provided from the System of Southwestern.

1.5. Hydro Peaking Power

The Federal Power that Southwestern sells and makes available to the Customers through their respective Power Sales Contracts in accordance with this Rate Schedule.

1.6. Peaking Billing Demand

The quantity equal to the Peaking Contract Demand for any month unless otherwise provided by the Customer's Power Sales Contract.

1.7. Peaking Contract Demand

The maximum rate in kilowatts at which Southwestern is obligated to deliver Federal Energy associated with Hydro Peaking Power as set forth in the Customer's Power Sales Contract.

1.8. Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.9. Peaking Energy Schedule Submission Time

The time by which Southwestern requires the Customer to submit Peaking Energy schedules to Southwestern as provided for in this Rate Schedule and in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.10. Power Sales Contract

The Customer's contract with Southwestern for the sale of Federal Power and Federal Energy.

1.11. Supplemental Peaking Energy

The Federal Energy associated with Hydro Peaking Power that Southwestern sells and makes available to the Customer if determined by Southwestern to be available and that is in addition to the quantity of Peaking Energy purchased by the Customer in accordance with the terms and conditions of the Customer's Power Sales Contract.

1.12. System of Southwestern

The transmission and related facilities owned by Southwestern, and/or the generation, transmission, and related facilities owned by others, the capacity of which, by contract, is available to and utilized by Southwestern to satisfy its contractual obligations to the Customer.

1.13. Uncontrollable Force

Any force which is not within the control of the party affected, including, but not limited to failure of water supply, failure of facilities, flood,

earthquake, storm, lightning, fire, epidemic, riot, civil disturbance, labor disturbance, sabotage, war, act of war, terrorist acts, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

2. Wholesale Rates, Terms, and Conditions for Hydro Peaking Power, Peaking Energy, Supplemental Peaking Energy, and Associated Services

Unless otherwise specified, this Section 2 is applicable to all sales under the Customer's Power Sales Contract.

2.1. Hydro Peaking Power Rates, Terms, and Conditions

2.1.1. Monthly Capacity Charge for Hydro Peaking Power

\$5.30 per kilowatt of Peaking Billing Demand.

2.1.2. Services Associated with Capacity Charge for Hydro Peaking Power

The capacity charge for Hydro Peaking Power includes such transmission services as are necessary to integrate Southwestern's resources in order to reliably deliver Hydro Peaking Power and associated energy to the Customer. This capacity charge also includes two Ancillary Services charges: Scheduling, System Control, and Dispatch Service; and Reactive Supply and Voltage Control from Generation Sources Service.

2.1.3. Secondary Transmission Service under Capacity Associated with Hydro Peaking Power

Customers may utilize the transmission capacity associated with Peaking Contract Demand for the transmission of non-Federal energy, on a non-firm, as-available basis, at no additional charge for such transmission service or associated Ancillary Services, under the following terms and conditions:

2.1.3.1. The sum of the capacity, for any hour, which is used for Peaking Energy, Supplemental Peaking Energy, and Secondary Transmission Service, may not exceed the Peaking Contract Demand;

2.1.3.2. The non-Federal energy transmitted under such secondary service is delivered to the Customer's point of delivery for Hydro Peaking Power;

2.1.3.3. The Customer commits to provide Real Power Losses associated with such deliveries of non-Federal energy; and

2.1.3.4. Sufficient transfer capability exists between the point of receipt into

the System of Southwestern of such non-Federal energy and the Customer's point of delivery for Hydro Peaking Power for the time period that such secondary transmission service is requested.

2.1.4. Adjustment for Reduction in Service

If, during any month, the Peaking Contract Demand associated with a Power Sales Contract in which Southwestern has the obligation to provide 1,200 kilowatt-hours of Peaking Energy per kilowatt of Peaking Contract Demand is reduced by Southwestern for a period or periods of not less than two consecutive hours by reason of an outage caused by either an Uncontrollable Force or by the installation, maintenance, replacement or malfunction of generation, transmission and/or related facilities on the System of Southwestern, or insufficient pool levels, the Customer's capacity charges for such month will be reduced for each such reduction in service by an amount computed under the formula:

$$R = (C \times K \times H) \div S$$

with the factors defined as follows:

R = The dollar amount of reduction in the monthly total capacity charges for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction shall not exceed the product of the Customer's capacity charges associated with Hydro Peaking Power times the Peaking Billing Demand.

C = The Customer's capacity charges associated with Hydro Peaking Power for the Peaking Billing Demand for such month.

K = The reduction in kilowatts in Peaking Billing Demand for a particular event.

H = The number of hours duration of such particular reduction.

S = The number of hours that Peaking Energy is scheduled during such month, but not less than 60 hours times the Peaking Contract Demand.

Such reduction in charges shall fulfill Southwestern's obligation to deliver Hydro Peaking Power and Peaking Energy.

2.2. Peaking Energy and Supplemental Peaking Energy Rates, Terms, and Conditions

2.2.1. Peaking Energy Charge

\$0.0128 per kilowatt-hour of Peaking Energy delivered plus the Purchased Power & Wheeling Adder as defined in Section 2.2.3 of this Rate Schedule.

2.2.2. Supplemental Energy Charge

\$0.0128 per kilowatt-hour of Supplemental Peaking Energy delivered.

2.2.3. Purchased Power & Wheeling Adder

A purchased power and wheeling adder of \$0.0087 per kilowatt-hour of Peaking Energy delivered, as adjusted by the Administrator, Southwestern, in accordance with the procedure within this Rate Schedule.

2.2.3.1. Applicability of Purchased Power & Wheeling Adder

The Purchased Power & Wheeling Adder shall apply to sales of Peaking Energy. The Purchased Power & Wheeling Adder shall not apply to sales of Supplemental Peaking Energy or sales to any Customer which, by contract, has assumed the obligation to supply energy to fulfill the minimum of 1,200 kilowatt-hours of Peaking Energy per kilowatt of Peaking Contract Demand during a contract year (hereinafter "Contract Support Arrangements").

2.2.3.2. Procedure for Determining Net Purchased Power & Wheeling Adder Adjustment

Not more than twice annually, the Purchased Power & Wheeling Adder of \$0.0087 (8.7 mills) per kilowatt-hour of Peaking Energy, as noted in this Rate Schedule, may be adjusted by the Administrator, Southwestern, by an amount up to a total of \pm \$0.0087 (8.7 mills) per kilowatt-hour per year, as calculated by the following formula:

$$ADJ = (PURCH - EST + DIF) \div SALES$$

with the factors defined as follows:

ADJ = The dollar per kilowatt-hour amount of the total adjustment, plus or minus, to be applied to the net Purchased Power & Wheeling Adder, rounded to the nearest \$0.0001 per kilowatt-hour, provided that the total ADJ to be applied in any year shall not vary from the then-effective ADJ by more than \$0.0087 per kilowatt-hour;

PURCH = The actual total dollar cost of Southwestern's System Direct Purchases as accounted for in the financial records of the Southwestern Federal Power System for the period;

EST = The estimated net dollar cost (\$19,571,000 per year) of Southwestern's System Direct Purchases used as the basis for the Purchased Power & Wheeling Adder of \$0.0087 per kilowatt-hour of Peaking Energy;

DIF = The accumulated remainder of the difference in the actual and estimated total dollar cost of Southwestern's System Direct Purchases since the effective date of the currently approved Purchased Power & Wheeling Adder set forth in this Rate Schedule, which remainder is not projected for recovery through the ADJ in any previous periods;

SALES = The annual Total Peaking Energy sales projected to be delivered (2,241,300,000 kWh per year) from the System of Southwestern, which total was

used as the basis for the \$0.0087 per kilowatt-hour Purchased Power & Wheeling Adder.

2.3. Transformation Service Rates, Terms, and Conditions

2.3.1. Monthly Capacity Charge for Transformation Service

\$0.86 per kilowatt will be assessed for capacity used to deliver energy at any point of delivery at which Southwestern provides transformation service for deliveries at voltages of 69 kilovolts or less from higher voltage facilities.

2.3.2. Applicability of Capacity Charge for Transformation Service

Unless otherwise specified by contract, for any particular month, a charge for transformation service will be assessed on the greater of (1) that month's highest metered demand, or (2) the highest metered demand recorded during the previous 11 months, at any point of delivery. For the purpose of this Rate Schedule, the highest metered demand will be based on all deliveries, of both Federal and non-Federal energy, from the System of Southwestern, at such point during such month.

2.4. Ancillary Services Rates, Terms, and Conditions

2.4.1. Capacity Charges for Ancillary Services

2.4.1.1. Regulation and Frequency Response Service

Monthly rate of \$0.0208 per kilowatt of Peaking Billing Demand plus the Regulation Purchased Adder as defined in Section 2.4.5 of this Rate Schedule.

2.4.1.2. Spinning Operating Reserve Service

Monthly rate of \$0.0208 per kilowatt of Peaking Billing Demand.

Daily rate of \$0.00095 per kilowatt for non-Federal generation inside Southwestern's Balancing Authority Area.

2.4.1.3. Supplemental Operating Reserve Service

Monthly rate of \$0.0208 per kilowatt of Peaking Billing Demand.

Daily rate of \$0.00095 per kilowatt for non-Federal generation inside Southwestern's Balancing Authority Area.

2.4.1.4. Energy Imbalance Service

\$0.0 per kilowatt for all reservation periods.

2.4.2. Availability of Ancillary Services

Regulation and Frequency Response Service is available only for deliveries of power and energy to load within

Southwestern's Balancing Authority Area and for deliveries of all Hydro Peaking Power and associated energy from and within Southwestern's Balancing Authority Area. Spinning Operating Reserve Service and Supplemental Operating Reserve Service are available only for deliveries of non-Federal power and energy generated by resources located within Southwestern's Balancing Authority Area and for deliveries of all Hydro Peaking Power and associated energy from and within Southwestern's Balancing Authority Area. Energy Imbalance Service is available only for deliveries of power and energy to load within Southwestern's Balancing Authority Area. Where available, such Ancillary Services must be taken from Southwestern; unless, arrangements are made in accordance with Section 2.4.4 of this Rate Schedule.

2.4.3. Applicability of Charges for Ancillary Services

For any month, the charges for Ancillary Services for deliveries of Hydro Peaking Power shall be based on the Peaking Billing Demand.

The daily charge for Spinning Operating Reserve Service and Supplemental Operating Reserve Service for non-Federal generation inside Southwestern's Balancing Authority Area shall be applied to the greater of Southwestern's previous day's estimate of the peak, or the actual peak, in kilowatts, of the internal non-Federal generation.

2.4.4. Provision of Ancillary Services by Others

Customers for which Ancillary Services are made available as specified above, must inform Southwestern by written notice of the Ancillary Services which they do *not* intend to take and purchase from Southwestern, and of their election to provide all or part of such Ancillary Services from their own resources or from a third party.

Subject to Southwestern's approval of the ability of such resources or third parties to meet Southwestern's technical and operational requirements for provision of such Ancillary Services, the Customer may change the Ancillary Services which it takes from Southwestern and/or from other sources at the beginning of any month upon the greater of 60 days' notice or upon completion of any necessary equipment modifications necessary to accommodate such change; *Provided*, That, if the Customer chooses not to take Regulation and Frequency Response Service for deliveries of power and energy to load within

Southwestern's Balancing Authority Area, which includes the associated Regulation Purchased Adder, the Customer must pursue these services from a different host Balancing Authority; thereby moving all metered loads and resources from Southwestern's Balancing Authority Area to the Balancing Authority Area of the new host Balancing Authority. Until such time as that meter reconfiguration is accomplished, the Customer will be charged for the Regulation and Frequency Response Service and applicable Adder then in effect. The Customer must notify Southwestern by July 1 of this choice, to be effective the subsequent calendar year.

2.4.5. Regulation Purchased Adder

The Regulation Purchased Adder during the time period of January 1 through December 31 of the current calendar year is based on the average annual use of energy from storage, based on Southwestern's studies, for Regulation and Frequency Response Service and Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies.

2.4.5.1. Applicability of Regulation Purchased Adder

The replacement value of the estimated annual use of energy from storage for Regulation and Frequency Response Service shall be recovered by Customers located within Southwestern's Balancing Authority Area on a non-coincident peak ratio share basis, divided into twelve equal monthly payments, in accordance with the formula in Section 2.4.5.2.

If the Regulation Purchased Adder is determined and applied under Southwestern's Rate Schedule NFS-23, then it shall not be applied here.

2.4.5.2. Procedure for Determining Regulation Purchased Adder

Unless otherwise specified by contract, the Regulation Purchased Adder for an individual Customer shall be based on the following formula rate, calculated to include the replacement value of the estimated annual use of energy from storage by Southwestern for Regulation and Frequency Response Service.

RPA = The Regulation Purchased Adder for an individual Customer per month, which is as follows:

$[(L_{\text{Customer}} \div L_{\text{Total}}) \times RP_{\text{Total}}] \div 12$
with the factors defined as follows:

L Customer = The sum in MW of the following three factors:

- (1) The Customer's highest metered load plus generation used to serve the Customer's load that is accounted for through a reduction in the Customer's metered load (referred to as 'generation behind the meter') during the previous calendar year, and
- (2) The Customer's highest rate of Scheduled Exports¹ during the previous calendar year, and
- (3) The Customer's highest rate of Scheduled Imports¹ during the previous calendar year.

L Total = The sum of all L Customer factors for all Customers that were inside Southwestern's Balancing Authority Area at the beginning of the previous calendar year in MW.

RP Total = The "net" cost in dollars and cents based on Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies multiplied by the average annual use of energy from storage, as provided for in the table in Section 2.4.5, to support Southwestern's ability to regulate within its Balancing Authority Area. The "net" cost in dollars and cents shall be adjusted by subtracting the product of the quantity of such average annual use of energy from storage in MWh and Southwestern's highest rate in dollars per MWh for Supplemental Peaking Energy during the previous calendar year.

For Customers that have aggregated their load, resources, and scheduling into a single node by contract within Southwestern's Balancing Authority Area, the individual Customer's respective Regulation Purchased Adder shall be that Customer's ratio share of the Regulation Purchased Adder established for the node. Such ratio share shall be determined for the Customer on a non-coincident basis and shall be calculated for the Customer from their highest metered load plus generation behind the meter.

2.4.6. Energy Imbalance Service Limitations

Energy Imbalance Service primarily applies to deliveries of power and energy which are required to satisfy a Customer's load. As Hydro Peaking Power and associated energy are limited by contract, the Energy Imbalance Service bandwidth specified for Non-Federal Transmission Service does not apply to deliveries of Hydro Peaking Power, and therefore Energy Imbalance Service is not charged on such deliveries. Customers who consume a capacity of Hydro Peaking Power greater than their Peaking Contract Demand

¹ Scheduled Exports and Scheduled Imports are transactions, such as sales and purchases respectively, which are in addition to a Customer's metered load that contribute to Southwestern's Balancing Authority Area need for regulation.

may be subject to a Capacity Overrun Penalty.

3. Hydro Peaking Power Penalties, Terms, and Conditions

3.1. Capacity Overrun Penalty

3.1.1. Penalty Charge for Capacity Overrun

For each hour during which Hydro Peaking Power was provided at a rate greater than that to which the Customer is entitled, the Customer will be charged a Capacity Overrun Penalty at the following rates:

Months associated with charge	Rate per kilowatt
March, April, May, October, November, December.	The greater of: \$0.15 -or- (Applicable Day-Ahead (DA) Locational Marginal Price (LMP) (per megawatt-hour)) ÷ 1000.
January, February, June, July, August, September.	The greater of: \$0.30 -or- (Applicable DA LMP (per megawatt-hour)) ÷ 1000.

For each hour of overrun, the Applicable DA LMP is defined as follows:

For Customers that schedule their Federal Power into the SPP Integrated Marketplace: Applicable DA LMP = DA LMP at the SPP SPA Location.

For Customers that schedule their Federal Power into the MISO Energy and Operating Reserve Market: Applicable DA LMP = DA LMP at the MISO SPA Location.

For Customers that do not schedule their Federal Power into either the SPP Integrated Marketplace or the MISO Energy and Operating Reserve Market: Applicable DA LMP = The greater of:
DA LMP at the SPP SPA Location
-or- DA LMP at the MISO SPA Location.

3.1.2. Applicability of Capacity Overrun Penalty

Customers which have loads within Southwestern’s Balancing Authority Area are obligated by contract to provide resources, over and above the Hydro Peaking Power and associated energy purchased from Southwestern, sufficient to meet their loads. A Capacity Overrun Penalty shall be applied only when the formulas provided in Customers’ respective Power Sales Contracts indicate an overrun on Hydro Peaking Power, and investigation determines that all resources, both firm and non-firm, which were available at the time of the

apparent overrun were insufficient to meet the Customer’s load.

3.2. Energy Overrun Penalty

3.2.1. Penalty Charge for Energy Overrun

The Customer shall be assessed a penalty charge for each kilowatt-hour of overrun in the overrun period (month or contract year), at a per kilowatt-hour rate determined as the greater of:

\$0.1276 -or-

The Applicable DA LMP Average.

The Applicable DA LMP Average is defined as follows:

Applicable DA LMP Average = Average (1st highest Applicable DA LMP, . . . , Nth highest Applicable DA LMP).

$N = (\text{Total kilowatt-hours of overrun}) \div (\text{Customer Peaking Contract Demand (kilowatts)})$ rounded up to the nearest whole number.

Applicable DA LMP = (Applicable DA LMP for each Overrun Period Hour Interval (per megawatt-hour)) ÷ 1000.

Overrun Period Hour Interval = An hour interval in which the Customer scheduled and received Peaking Energy during the overrun period.

For each Overrun Period Hour Interval, the Applicable DA LMP is defined as follows:

For Customers that schedule their Federal Power into the SPP Integrated Marketplace: Applicable DA LMP = DA LMP at the SPP SPA Location.

For Customers that schedule their Federal Power into the MISO Energy and Operating Reserve Market: Applicable DA LMP = DA LMP at the MISO SPA Location.

For Customers that do not schedule their Federal Power into either the SPP Integrated Marketplace or the MISO Energy and Operating Reserve Market: Applicable DA LMP = The greater of:
DA LMP at the SPP SPA Location
-or-
DA LMP at the MISO SPA Location.

3.2.2. Applicability of Energy Overrun Penalty

By contract, the Customer is subject to limitations on the maximum amounts of Peaking Energy which may be scheduled under the Customer’s Power Sales Contract. When the Customer schedules an amount in excess of such maximum amounts, such Customer is subject to the Energy Overrun Penalty.

3.3. Power Factor Penalty

3.3.1. Requirements Related to Power Factor

Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than

95 percent and will be subject to the following provisions.

3.3.2. Determination of Power Factor

The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = (\text{kWh}) \div \sqrt{(\text{kWh}^2 + \text{rkVAh}^2)}$$

with the factors defined as follows:

PF = The power factor for any Demand Period of the month.

kWh = The total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

rkVAh = The total quantity of reactive kilovolt-ampere-hours (kVARs) delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

3.3.3. Penalty Charge for Power Factor

The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (0.95 - \text{LPF}) \times \$0.15$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the determination of power factor “PF” is calculated to be less than 95 percent lagging.

D = The Customer’s demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula “PF” for such Demand Period.

If C is negative, then C = zero (0).

3.3.4. Applicability of Power Factor Penalty

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges “C” for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to (i) a single physical point of delivery, (ii) a combination of physical points of delivery where a Customer has a single, electrically integrated load, (iii) or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer’s and Southwestern’s systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately

assesses the detrimental impact on Southwestern’s system when the above formula is calculated for a single physical point of delivery, a combination of physical points of delivery, or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive Power Factor Penalties when, in Southwestern’s sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

4. Hydro Peaking Power Miscellaneous Rates, Terms, and Conditions

4.1. Real Power Losses

Customers are required to self-provide all Real Power Losses for non-Federal energy transmitted by Southwestern on behalf of such Customers under the provisions detailed below.

Real Power Losses are computed as four (4) percent of the total amount of non-Federal energy transmitted by Southwestern. The Customer’s monthly Real Power Losses are computed each month on a megawatt-hour basis as follows:

$ML = 0.04 \times NFE$

with the factors defined as follows:

ML = The total monthly loss energy, rounded to the nearest megawatt-hour, to be scheduled by a Customer for receipt by Southwestern for Real Power Losses associated with non-Federal energy transmitted on behalf of such Customer; and

NFE = The amount of non-Federal energy that was transmitted by Southwestern on behalf of a Customer during a particular month.

The Customer must schedule or cause to be scheduled to Southwestern, Real Power Losses for which it is responsible subject to the following conditions:

4.1.1. The Customer shall schedule and deliver Real Power Losses back to Southwestern during the second month after they were incurred by Southwestern in the transmission of the Customer’s non-Federal power and energy over the System of Southwestern unless such Customer has accounted for Real Power Losses as part of a metering arrangement with Southwestern.

4.1.2. On or before the twentieth day of each month, Southwestern shall determine the amount of non-Federal loss energy it provided on behalf of the Customer during the previous month and provide a written schedule to the Customer setting forth hour-by-hour the quantities of non-Federal energy to be

delivered to Southwestern as losses during the next month.

4.1.3. Real Power Losses not delivered to Southwestern by the Customer, according to the schedule provided, during the month in which such losses are due shall be billed by Southwestern to the Customer to adjust the end-of-month loss energy balance to zero (0) megawatt-hours and the Customer shall be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatt-hour
March, April, May, October, November, December	\$0.15
January, February, June, July, August, September ...	\$0.30

4.1.4. Real Power Losses delivered to Southwestern by the Customer in excess of the losses due during the month shall be purchased by Southwestern from the Customer at a rate per megawatt-hour equal to Southwestern’s rate per megawatt-hour for Supplemental Peaking Energy, as set forth in Southwestern’s then-effective Rate Schedule for Hydro Peaking Power to adjust such hourly end-of-month loss energy balance to zero (0) megawatt-hours.

4.2. Peaking Energy Schedule Submission Time

Southwestern’s Peaking Energy Schedule Submission Time is on or before 8:30 a.m. Central Prevailing Time (CPT), as adjusted by the Administrator, Southwestern, in accordance with Section 4.2.2 in this Rate Schedule, of the day preceding the day for the delivery of Peaking Energy. The Peaking Energy Schedule Submission Time supersedes the Peaking Energy schedule submission time provided in the Customer’s Power Sales Contract, pursuant to Section 4.2.1 of this Rate Schedule. Reductions to Peaking Energy schedules may be made in accordance with Section 4.2.3 of this Rate Schedule.

4.2.1. Applicability of Peaking Energy Schedule Submission Time

The Peaking Energy Schedule Submission Time shall apply to the scheduling of Peaking Energy. The Peaking Energy Schedule Submission Time shall not apply to the scheduling of Supplemental Peaking Energy or to Contract Support Arrangements.

4.2.2. Procedure for Adjusting the Peaking Energy Schedule Submission Time

Not more than once annually, the Peaking Energy Schedule Submission Time of 8:30 a.m. CPT, as noted in

Section 4.2 of this Rate Schedule, may be adjusted by the Administrator, Southwestern, to a time no earlier than 8:00 a.m. CPT and no later than 9:00 a.m. CPT.

4.2.2.1. Determination of Need to Adjust the Peaking Energy Schedule Submission Time

The Administrator, Southwestern, will make a determination on the need to adjust the Peaking Energy Schedule Submission Time based on Southwestern’s studies involving financial analysis, regional energy market conditions, and/or operational considerations.

4.2.2.2. Notification of Peaking Energy Schedule Submission Time Adjustment

The Administrator, Southwestern, will notify customers of the determination to adjust the Peaking Energy Schedule Submission Time in writing no later than 30 calendar days prior to the effective date of the Peaking Energy Schedule Submission Time adjustment.

Rate Schedule NFS–23

(Supersedes Rate Schedule NFTS–13A)

Effective June 1, 2025

UNITED STATES DEPARTMENT OF ENERGY

SOUTHWESTERN POWER ADMINISTRATION

RATE SCHEDULE NFS–23

WHOLESALE RATES FOR NON-FEDERAL SERVICE

Effective

During the period June 1, 2025, through September 30, 2027, in accordance with interim approval from Rate Order No. SWPA–87 issued by the Administrator on April 23, 2025, and pursuant to final approval by the Federal Energy Regulatory Commission.

Available

In the region of the System of Southwestern.

Applicable

To Customers which have executed Service Agreements with Southwestern for the transmission of non-Federal power and energy over the System of Southwestern or for its use for interconnections. Southwestern will provide services over those portions of the System of Southwestern in which the Administrator, Southwestern, in his or her sole judgment, has determined that uncommitted transmission and transformation capacities in the System of Southwestern are and will be

available in excess of the capacities required to market Federal power and energy pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887,890; 16 U.S.C. 825s).

Character and Conditions of Service

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s), at the point(s) specified by Service Agreement or Transmission Service Transaction.

1. Definitions of Terms

1.1. Ancillary Services

The services necessary to support the transmission of capacity and energy from resources to loads while maintaining reliable operation of the System of Southwestern in accordance with good utility practice, which include the following:

1.1.1. Scheduling, System Control, and Dispatch Service

Is provided by Southwestern as Balancing Authority Area operator and is in regard to interchange and load-match scheduling and related system control and dispatch functions.

1.1.2. Reactive Supply and Voltage Control from Generation Sources Service

Is provided at generation and transmission facilities in the System of Southwestern to produce or absorb reactive power and to maintain transmission voltages within specific limits.

1.1.3. Regulation and Frequency Response Service

Is the continuous balancing of generation and interchange resources accomplished by raising or lowering the output of on-line generation as necessary to follow the moment-by-moment changes in load and to maintain frequency within a Balancing Authority Area.

1.1.4. Spinning Operating Reserve Service

Maintains generating units on-line, but loaded at less than maximum output, which may be used to service load immediately when disturbance conditions are experienced due to a sudden loss of generation or load.

1.1.5. Supplemental Operating Reserve Service

Provides an additional amount of operating reserve sufficient to reduce Area Control Error to zero within 10 minutes following loss of generating capacity which would result from the most severe single contingency.

1.1.6. Energy Imbalance Service

Corrects for differences over a period of time between schedules and actual hourly deliveries of energy to a load. Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and is returned to the providing party by the receiving party in accordance with standard utility practice or a contractual arrangement between the parties.

1.2. Customer

The entity which is utilizing and/or purchasing services from Southwestern pursuant to this Rate Schedule.

1.3. Demand Period

The period of time used to determine maximum integrated rates of delivery for the purpose of power accounting which is the 60-minute period that begins with the change of hour.

1.4. Firm Point-to-Point Transmission Service

Transmission service reserved on a firm basis between specific points of receipt and delivery pursuant to either a Firm Transmission Service Agreement or to a Transmission Service Transaction.

1.5. Interconnection Facilities Service

A service that provides for the use of the System of Southwestern to deliver energy and/or provide system support at an interconnection.

1.6. Network Integration Transmission Service

Transmission service provided under Part III of Southwestern's Open Access Transmission Service Tariff which provides the Customer with firm transmission service for the delivery of capacity and energy from the Customer's resources to the Customer's load.

1.7. Non-Firm Point-to-Point Transmission Service

Transmission service reserved on a non-firm basis between specific points of receipt and delivery pursuant to a Transmission Service Transaction.

1.8. Point of Delivery

Either a single physical point to which electric power and energy are delivered from the System of Southwestern, or a specified set of delivery points which together form a single, electrically integrated load.

1.9. Secondary Transmission Service

Service that is associated with Firm Point-to-Point Transmission Service and

Network Integration Transmission Service. For Firm Point-to-Point Transmission Service, it consists of transmission service provided on an as-available, non-firm basis, scheduled within the limits of a particular capacity reservation for transmission service, and scheduled from points of receipt, or to points of delivery, other than those designated in a Long-Term Firm Transmission Service Agreement or a Transmission Service Transaction for Firm Point-to-Point Transmission Service. For Network Integration Transmission Service, Secondary Transmission Service consists of transmission service provided on an as-available, non-firm basis, from resources other than the network resources designated in a Network Transmission Service Agreement, to meet the Customer's network load. The charges for Secondary Transmission Service, other than Ancillary Services, are included in the applicable capacity charges for Firm Point-to-Point Transmission Service and Network Integration Transmission Service.

1.10. Service Agreement

A contract executed between a Customer and Southwestern for the transmission of non-Federal power and energy over the System of Southwestern or for interconnections which include the following:

1.10.1. Firm Transmission Service Agreement

Provides for reserved transmission capacity on a firm basis, for a particular point-to-point delivery path.

1.10.2. Interconnection Agreement

Provides for the use of the System of Southwestern and recognizes the exchange of mutual benefits for such use or provides for application of a charge for Interconnection Facilities Service.

1.10.3. Network Transmission Service Agreement

Provides for the Customer to request firm transmission service for the delivery of capacity and energy from the Customer's network resources to the Customer's network load, for a period of one year or more.

1.10.4. Non-Firm Transmission Service Agreement

Provides for the Customer to request transmission service on a non-firm basis.

1.11. Service Request

The request made under a Transmission Service Agreement

through the Southwest Power Pool, Inc. (hereinafter “SPP”) Open Access Same-Time Information System (hereinafter “OASIS”) for reservation of transmission capacity over a particular point-to-point delivery path for a particular period. The Customer must submit hourly schedules for actual service in addition to the Service Request.

1.12. System of Southwestern

The transmission and related facilities owned by Southwestern, and/or the generation, transmission, and related facilities owned by others, the capacity of which, by contract, is available to and utilized by Southwestern to satisfy its contractual obligations to the Customer.

1.13. Transmission Service Transaction

A Service Request that has been approved by SPP.

1.14. Uncontrollable Force

Any force which is not within the control of the party affected, including, but not limited to failure of water supply, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, riot, civil disturbance, labor disturbance, sabotage, war, act of war, terrorist acts, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

2. Wholesale Rates, Terms, and Conditions for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, Network Integration Transmission Service, and Interconnection Facilities Service

2.1. Firm Point-to-Point Transmission Service Rates, Terms, and Conditions

2.1.1. Capacity Charge for Firm Point-to-Point Transmission Service

Service increment	Capacity charge
Monthly	\$1.15 per kilowatt.
Weekly	0.288 per kilowatt.
Daily	0.0523 per kilowatt.

2.1.2. Services Associated With Capacity Charge for Firm Point-to-Point Transmission Service

The capacity charge for Firm Point-to-Point Transmission Service includes Secondary Transmission Service but does not include charges for Ancillary Services associated with actual schedules.

2.1.3. Applicability of Capacity Charge for Firm Point-to-Point Transmission Service

Capacity charges for Firm Point-to-Point Transmission Service are applied to quantities reserved by contract under a Firm Transmission Service Agreement or in accordance with a Transmission Service Transaction.

A Customer, unless otherwise specified by contract, will be assessed capacity charges on the greatest of:

- (1) the highest metered demand at any particular Point of Delivery during a particular month, rounded up to the nearest whole megawatt, or
- (2) the highest metered demand recorded at such Point of Delivery during any of the previous 11 months, rounded up to the nearest whole megawatt, or
- (3) the capacity reserved by contract; which shall be considered such Customer’s reserved capacity.

Secondary Transmission Service for such Customer shall be limited during any month to the most recent metered demand on which that Customer is billed or to the capacity reserved by contract, whichever is greater.

2.2. Non-Firm Point-to-Point Transmission Service Rates, Terms, and Conditions

2.2.1. Capacity Charge for Non-Firm Point-to-Point Transmission Service

Service increment	Capacity charge
Monthly	\$0.92 per kilowatt.
Weekly	0.230 per kilowatt.
Daily	0.0418 per kilowatt.
Hourly	0.00261 per kilowatt.

2.2.2. Applicability of Charges for Non-Firm Point-to-Point Transmission Service

Capacity charges for Non-Firm Point-to-Point Transmission Service are applied to quantities reserved under a Transmission Service Transaction, and do not include charges for Ancillary Services.

2.3. Network Integration Transmission Service Rates, Terms, and Conditions

2.3.1. Annual Revenue Requirement for Network Integration Transmission Service

\$10,869,400.

2.3.2. Monthly Revenue Requirement for Network Integration Transmission Service

\$905,800.

2.3.3. Net Capacity Available for Network Integration Transmission Service

787,800 kilowatts.

2.3.4. Monthly Capacity Charge for Network Integration Transmission Service

\$1.15 per kilowatt of Network Load (charge derived from \$905,800 ÷ 787,800 kilowatts).

2.3.5. Applicability of Charges for Network Integration Transmission Service

Network Integration Transmission Service is available only for deliveries of non-Federal power and energy, and is applied to the Customer utilizing such service exclusive of any deliveries of Federal power and energy. The capacity on which charges for any particular Customer utilizing this service is determined on the greatest of (1) the highest metered demand at any particular point of delivery during a particular month, rounded up to the nearest whole megawatt, or (2) the highest metered demand recorded at such point of delivery during any of the previous 11 months, rounded up to the nearest whole megawatt.

For a Customer taking Network Integration Transmission Service who is also taking delivery of Federal Power and Energy, the highest metered demand shall be determined by subtracting the energy scheduled for delivery of Federal Power and Energy for any hour from the metered demand for such hour.

Secondary transmission Service for a Customer shall be limited during any month to the most recent highest metered demand on which such Customer is billed. Charges for Ancillary Services shall also be assessed.

2.3.6. Procedure for Determining SPP Open Access Transmission Tariff Network Integration Transmission Service Annual Revenue Requirement

The SPP Open Access Transmission Tariff Network Integration Transmission Service Annual Revenue Requirement shall be based on the following formula which shall be calculated when a Customer transitions from a Service Agreement to an agreement for Network Integration Transmission Service under the SPP Open Access Transmission Tariff.

SPP NITS ARR = Southwestern’s SPP Network Integration Transmission Service Annual Revenue Requirement, which is as follows:

(SPP NITS Capacity/Southwestern NITS Capacity) × Southwestern NITS ARR

with the factors defined as follows:

SPP NITS Capacity = The capacity on the System of Southwestern utilized for SPP Network Integration Transmission Service which shall be based on the currently approved Power Repayment Studies.

Southwestern NITS Capacity = Net Capacity Available for Network Integration Transmission Service on the System of Southwestern as specified in Section 2.3.3.

Southwestern NITS ARR = Southwestern’s Annual Revenue Requirement for Network Integration Transmission Service as specified in Section 2.3.1.

2.4. Interconnection Facilities Service Rates, Terms, and Conditions

2.4.1. Monthly Capacity Charge for Interconnection Facilities Service

\$1.15 per kilowatt.

2.4.2. Applicability of Capacity Charge for Interconnection Facilities Service

Any Customer that requests an interconnection from Southwestern which, in Southwestern’s sole judgment and at its sole option, does not provide commensurate benefits or compensation to Southwestern for the use of its facilities shall be assessed a capacity charge for Interconnection Facilities Service. For any month, charges for Interconnection Facilities Service shall be assessed on the greater of (1) that month’s actual highest metered demand, or (2) the highest metered demand recorded during the previous eleven months, as metered at the interconnection. The use of Interconnection Facilities Service will be subject to power factor provisions as specified in this Rate Schedule. The interconnection customer shall also schedule and deliver Real Power Losses pursuant to the provisions of this Rate Schedule based on metered flow through the interconnection where Interconnection Facilities Services is assessed.

2.5. Transformation Service Rates, Terms, and Conditions

2.5.1. Monthly Capacity Charge for Transformation Service

\$0.86 per kilowatt will be assessed for capacity used to deliver energy at any point of delivery at which Southwestern provides transformation service for deliveries at voltages of 69 kilovolts or less from higher voltage facilities.

2.5.2. Applicability of Capacity Charge for Transformation Service

Unless otherwise specified by contract, for any particular month, a charge for transformation service will be assessed on the greater of (1) that month’s highest metered demand, or (2) the highest metered demand recorded during the previous 11 months, at any point of delivery. For the purpose of this Rate Schedule, the highest metered demand will be based on all deliveries, of both Federal and non-Federal energy, from the System of Southwestern, at such point during such month.

2.6. Ancillary Services Rates, Terms, and Conditions

2.6.1. Capacity Charges for Ancillary Services

Ancillary service charges are per kilowatt of transmission capacity reserved in increments of service or invoiced in accordance with a Long-Term Firm Transmission Service Agreement or Network Transmission Service Agreement. One ancillary service, Reactive Supply and Voltage Control from Generation Sources Service, is invoiced for Interconnection Facilities Service per kilowatt of capacity.

2.6.1.1. Scheduling, System Control, and Dispatch Service

Service increment	Capacity charge
Monthly	\$0.17 per kilowatt
Weekly	0.043 per kilowatt
Daily	0.0077 per kilowatt
Hourly	0.00048 per kilowatt

2.6.1.2. Reactive Supply and Voltage Control From Generation Sources Service

Service increment	Capacity charge
Monthly	\$0.10 per kilowatt
Weekly	0.025 per kilowatt
Daily	0.0045 per kilowatt
Hourly	0.00028 per kilowatt

2.6.1.3. Regulation and Frequency Response Service

Service increment	Capacity charge
Monthly	\$0.0208 per kilowatt ¹
Weekly	0.0052 per kilowatt ¹
Daily	0.00095 per kilowatt ¹
Hourly	0.00006 per kilowatt ¹

¹ Plus the Regulation Purchased Adder as defined in Section 2.6.5 of this Rate Schedule.

2.6.1.4. Spinning Operating Reserve Service

Service increment	Capacity charge
Monthly	\$0.0208 per kilowatt
Weekly	0.0052 per kilowatt
Daily	0.00095 per kilowatt
Hourly	0.00006 per kilowatt

2.6.1.5. Supplemental Operating Reserve Service

Service increment	Capacity charge
Monthly	\$0.0208 per kilowatt
Weekly	0.0052 per kilowatt
Daily	0.00095 per kilowatt
Hourly	0.00006 per kilowatt

2.6.1.6. Energy Imbalance Service

\$0.0 per kilowatt for all reservation periods.

2.6.2. Availability of Ancillary Services

Scheduling, System Control, and Dispatch Service and Reactive Supply and Voltage Control from Generation Sources Service are available for all transmission services in and from the System of Southwestern and shall be provided by Southwestern. Reactive Supply and Voltage Control from Generation Sources Service is also provided for Interconnection Facilities Service.

Regulation and Frequency Response Service and Energy Imbalance Service are available only for deliveries of power and energy to load within Southwestern’s Balancing Authority Area, and shall be provided by Southwestern, unless, subject to Southwestern’s approval, they are provided by others.

Spinning Operating Reserve Service and Supplemental Operating Reserve Service are available only for deliveries of power and energy generated by resources located within Southwestern’s Balancing Authority Area and shall be provided by Southwestern, unless, subject to Southwestern’s approval, they are provided by others.

2.6.3. Applicability of Charges for Ancillary Services

Charges for all Ancillary Services are applied to the transmission capacity reserved or network transmission service taken by the Customer in accordance with the rates listed above when such services are provided by Southwestern. Reactive Supply and Voltage Control from Generation Sources Service is applied to the Interconnection Facilities Service capacity.

The charges for Ancillary Services are considered to include Ancillary

Services for any Secondary Transmission Service, except in cases where Ancillary Services identified in Sections 2.6.1.3 through 2.6.1.6 of this Rate Schedule are applicable to a Transmission Service Transaction of Secondary Transmission Service, but are not applicable to the transmission capacity reserved under which Secondary Transmission Service is provided. When charges for Ancillary Services are applicable to Secondary Transmission Service, the charge for the Ancillary Service shall be the hourly rate applied to all energy transmitted utilizing the Secondary Transmission Service.

2.6.4. Provision of Ancillary Services by Others

Customers for which Ancillary Services identified in Sections 2.6.1.3 through 2.6.1.6 of this Rate Schedule are made available as specified above must inform Southwestern by written notice of the Ancillary Services which they do not intend to take and purchase from Southwestern, and of their election to provide all or part of such Ancillary Services from their own resources or from a third party. Such notice requirements also apply to requests for Southwestern to provide Ancillary Services when such services are available as specified above.

Subject to Southwestern's approval of the ability of such resources or third parties to meet Southwestern's technical and operational requirements for provision of such Ancillary Services, the Customer may change the Ancillary Services which it takes from Southwestern and/or from other sources at the beginning of any month upon the greater of 60 days written notice or upon the completion of any necessary equipment modifications necessary to accommodate such change; Provided, That, if the Customer chooses not to take Regulation and Frequency Response Service, which includes the associated Regulation Purchased Adder, the Customer must pursue these services from a different host Balancing Authority; thereby moving all metered loads and resources from Southwestern's Balancing Authority Area to the Balancing Authority Area of the new host Balancing Authority. Until such time as that meter reconfiguration is accomplished, the Customer will be charged for the Regulation and Frequency Response Service and applicable Adder then in effect. The Customer must notify Southwestern by July 1 of this choice, to be effective the subsequent calendar year.

2.6.5. Regulation Purchased Adder

The Regulation Purchased Adder during the time period of January 1 through December 31 of the current calendar year is based on the average annual use of energy from storage for Regulation and Frequency Response Service, based on Southwestern's studies, and Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies.

2.6.5.1. Applicability of Regulation Purchased Adder

The replacement value of the estimated annual use of energy from storage for Regulation and Frequency Response Service shall be recovered by Customers located within Southwestern's Balancing Authority Area on a non-coincident peak ratio share basis, divided into twelve equal monthly payments, in accordance with the formula in Section 2.6.5.2.

If the Regulation Purchased Adder is determined and applied under Southwestern's Rate Schedule P-23, then it shall not be applied here.

2.6.5.2. Procedure for Determining Regulation Purchased Adder

Unless otherwise specified by contract, the Regulation Purchased Adder for an individual Customer shall be based on the following formula rate, calculated to include the replacement value of the estimated annual use of energy from storage by Southwestern for Regulation and Frequency Response Service.

$RPA = \frac{\text{The Regulation Purchased Adder for an individual Customer per month, which is as follows: } [(L_{\text{Customer}} \div L_{\text{Total}}) \times RP_{\text{Total}}] \div 12}{\text{with the factors defined as follows:}}$

- $L_{\text{Customer}} = \text{The sum in MW of the following three factors:}$
- (1) The Customer's highest metered load plus generation used to serve the Customer's load that is accounted for through a reduction in the Customer's metered load (referred to as 'generation behind the meter') during the previous calendar year, and
 - (2) The Customer's highest rate of Scheduled Exports¹ during the previous calendar year, and
 - (3) The Customer's highest rate of Scheduled Imports¹ during the previous calendar year.

$L_{\text{Total}} = \text{The sum of all } L_{\text{Customer}} \text{ factors for all Customers that were inside}$

¹ Scheduled Exports and Scheduled Imports are transactions, such as sales and purchases respectively, which are in addition to a Customer's metered load that contribute to Southwestern's Balancing Authority Area need for regulation.

Southwestern's Balancing Authority Area at the beginning of the previous calendar year in MW.

$RP_{\text{Total}} = \text{The "net" cost in dollars and cents based on Southwestern's estimated purchased power price for the corresponding year from the most currently approved Power Repayment Studies multiplied by the average annual use of energy from storage, as provided for in the table in Section 2.6.5, to support Southwestern's ability to regulate within its Balancing Authority Area. The "net" cost in dollars and cents shall be adjusted by subtracting the product of the quantity of such average annual use of energy from storage in MWh and Southwestern's highest rate in dollars per MWh for Supplemental Peaking Energy during the previous calendar year.}$

For Customers that have aggregated their load, resources, and scheduling into a single node by contract within Southwestern's Balancing Authority Area, the individual Customer's respective Regulation Purchased Adder shall be that Customer's ratio share of the Regulation Purchased Adder established for the node. Such ratio share shall be determined for the Customer on a non-coincident basis and shall be calculated for the Customer from their highest metered load plus generation behind the meter.

2.6.6. Energy Imbalance Service Limitations

Energy Imbalance Service is authorized for use only within a bandwidth of ± 1.5 percent of the actual requirements of the load at a particular point of delivery, for any hour, compared to the resources scheduled to meet such load during such hour. Deviations which are greater than ± 1.5 percent, but which are less than $\pm 2,000$ kilowatts, are considered to be within the authorized bandwidth. Deviations outside the authorized bandwidth are subject to a Capacity Overrun Penalty.

Energy delivered or received within the authorized bandwidth for this service is accounted for as an inadvertent flow and will be netted against flows in the future. The inadvertent flow in any given hour will only be offset with the flows in the corresponding hour of a day in the same category. Unless otherwise specified by contract, the two categories of days are weekdays and weekend days/North American Electric Reliability Corporation holidays, and this process will result in a separate inadvertent accumulation for each hour of the two categories of days. The hourly accumulations in the current month will be added to the hourly inadvertent balances from the previous month, resulting in a month-end balance for each hour.

The Customer is required to adjust the scheduling of resources in such a way as to reduce the accumulation towards zero. It is recognized that the inadvertent hourly flows can be both negative and positive, and that offsetting flows should deter a significant accumulation of inadvertent. Unless otherwise specified by contract, in the event any hourly month-end balance exceeds 12 MWhs, the excess will be subject to Section 3.1 or Section 3.2 of this Rate Schedule, depending on the direction of the accumulation.

3. Non-Federal Transmission/ Interconnection Facilities Service Penalties, Terms, and Conditions

3.1. Capacity Overrun Penalty

3.1.1. Penalty Charge for Capacity Overrun

For each hour during which energy flows outside the authorized bandwidth, the Customer will be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatt
March, April, May, October, November, December.	\$0.15
January, February, June, July, August, September.	0.30

3.1.2. Applicability of Capacity Overrun Penalty

Customers who receive deliveries within Southwestern's Balancing Authority Area are obligated to provide resources sufficient to meet their loads. Such obligation is not related to the amount of transmission capacity that such Customers may have reserved for transmission service to a particular load. In the event that a Customer underschedules its resources to serve its load, resulting in a difference between resources and actual metered load (adjusted for transformer losses as applicable) outside the authorized bandwidth for Energy Imbalance Service for any hour, then such Customer is subject to the Capacity Overrun Penalty.

3.2. Unauthorized Use of Energy Imbalance Service by Overscheduling of Resources

In the event that a Customer schedules greater resources than are needed to serve its load, such that energy flows at rates beyond the authorized bandwidth for the use of Energy Imbalance Service, Southwestern retains such energy at no cost to Southwestern and with no obligation to return such energy.

3.3. Power Factor Penalty

3.3.1. Requirements Related to Power Factor

Any Customer served from facilities owned by or available by contract to Southwestern will be required to maintain a power factor of not less than 95 percent and will be subject to the following provisions.

3.3.2. Determination of Power Factor

The power factor will be determined for all Demand Periods and shall be calculated under the formula:

$$PF = (kWh) \div \sqrt{(kWh^2 + rkVAh^2)}$$

with the factors defined as follows:

PF = The power factor for any Demand Period of the month.

kWh = The total quantity of energy which is delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

rkVAh = The total quantity of reactive kilovolt-ampere-hours (kVARs) delivered during such Demand Period to the point of delivery or interconnection in accordance with Section 3.3.4.

3.3.3. Penalty Charge for Power Factor

The Customer shall be assessed a penalty for all Demand Periods of a month where the power factor is less than 95 percent lagging. For any Demand Period during a particular month such penalty shall be in accordance with the following formula:

$$C = D \times (0.95 - LPF) \times \$0.15$$

with the factors defined as follows:

C = The charge in dollars to be assessed for any particular Demand Period of such month that the determination of power factor "PF" is calculated to be less than 95 percent lagging.

D = The Customer's demand in kilowatts at the point of delivery for such Demand Period in which a low power factor was calculated.

LPF = The lagging power factor, if any, determined by the formula "PF" for such Demand Period.

If C is negative, then C = zero (0).

3.3.4. Applicability of Power Factor Penalty

The Power Factor Penalty is applicable to radial interconnections with the System of Southwestern. The total Power Factor Penalty for any month shall be the sum of all charges "C" for all Demand Periods of such month. No penalty is assessed for leading power factor. Southwestern, in its sole judgment and at its sole option, may determine whether power factor calculations should be applied to (i) a single physical point of delivery, (ii) a combination of physical points of

delivery where a Customer has a single, electrically integrated load, (iii) or interconnections. The general criteria for such decision shall be that, given the configuration of the Customer's and Southwestern's systems, Southwestern will determine, in its sole judgment and at its sole option, whether the power factor calculation more accurately assesses the detrimental impact on Southwestern's system when the above formula is calculated for a single physical point of delivery, a combination of physical points of delivery, or for an interconnection as specified by an Interconnection Agreement.

Southwestern, at its sole option, may reduce or waive Power Factor Penalties when, in Southwestern's sole judgment, low power factor conditions were not detrimental to the System of Southwestern due to particular loading and voltage conditions at the time the power factor dropped below 95 percent lagging.

4. Non-Federal Transmission/ Interconnection Facilities Service Miscellaneous Rates, Terms, and Conditions

4.1. Real Power Losses

Customers are required to self-provide all Real Power Losses for non-Federal energy transmitted by Southwestern on behalf of such Customers under the provisions detailed below.

Real Power Losses are computed as four (4) percent of the total amount of non-Federal energy transmitted by Southwestern. The Customer's monthly Real Power Losses are computed each month on a megawatt-hour basis as follows:

$$ML = 0.04 \times NFE$$

with the factors defined as follows:

ML = The total monthly loss energy, rounded to the nearest megawatt-hour, to be scheduled by a Customer for receipt by Southwestern for Real Power Losses associated with non-Federal energy transmitted on behalf of such Customer; and

NFE = The amount of non-Federal energy that was transmitted by Southwestern on behalf of a Customer during a particular month.

The Customer must schedule or cause to be scheduled to Southwestern, Real Power Losses for which it is responsible subject to the following conditions:

4.1.1. The Customer shall schedule and deliver Real Power Losses back to Southwestern during the second month after they were incurred by Southwestern in the transmission of the Customer's non-Federal power and energy over the System of Southwestern

unless such Customer has accounted for Real Power Losses as part of a metering arrangement with Southwestern.

4.1.2. On or before the twentieth day of each month, Southwestern shall determine the amount of non-Federal loss energy it provided on behalf of the Customer during the previous month and provide a written schedule to the Customer setting forth hour-by-hour the quantities of non-Federal energy to be delivered to Southwestern as losses during the next month.

4.1.3. Real Power Losses not delivered to Southwestern by the Customer, according to the schedule provided, during the month in which such losses are due shall be billed by Southwestern to the Customer to adjust the end-of-month loss energy balance to zero (0) megawatt-hours and the Customer shall be obliged to purchase such energy at the following rates:

Months associated with charge	Rate per kilowatt-hour
March, April, May, October, November, December.	\$0.15
January, February, June, July, August, September.	0.30

4.1.4. Real Power Losses delivered to Southwestern by the Customer in excess of the losses due during the month shall be purchased by Southwestern from the Customer at a rate per megawatt-hour equal to Southwestern's rate per megawatt-hour for Supplemental Peaking Energy, as set forth in Southwestern's then-effective Rate Schedule for Hydro Peaking Power to adjust such hourly end-of-month loss energy balance to zero (0) megawatt-hours.

Rate Schedule EE-23
(Supersedes Rate Schedule EE-13)
Effective June 1, 2025

UNITED STATES DEPARTMENT OF ENERGY

SOUTHWESTERN POWER ADMINISTRATION

RATE SCHEDULE EE-23

WHOLESALE RATES FOR EXCESS ENERGY

Effective:

During the period June 1, 2025, through September 30, 2027, in accordance with interim approval from Rate Order No. SWPA-87 issued by the Administrator on April 23, 2025, and pursuant to final approval by the Federal Energy Regulatory Commission.

Available:

In the marketing area of Southwestern Power Administration (Southwestern), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, furnished at such times and in such amounts as Southwestern determines to be available.

Applicable:

To entities which, by contract, may purchase Excess Energy from Southwestern.

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage(s) and at the point(s) of delivery specified by contract.

Formula Rate:

The charge for Excess Energy will be determined at the time of sale based on market rates, plus administrative costs. Transmission service for the delivery of Excess Energy shall be the sole responsibility of such customer purchasing Excess Energy.

[FR Doc. 2025-07350 Filed 4-28-25; 8:45 am]

BILLING CODE 6450-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 291564]

Sunshine Act Meeting; Open Commission Meeting Monday, April 28, 2025

April 22, 2025.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Monday, April 28, 2025, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC.

While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: www.fcc.gov/visit. Open Meetings are streamed live at: www.fcc.gov/live and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	SPACE	<i>Title:</i> Modernizing Spectrum Sharing for Satellite Broadband (SB Docket No. 25-157) <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking that would promote efficient spectrum sharing between geostationary and non-geostationary satellite systems. To take account of today's satellite technology and operations and to promote efficient co-existence and expanded services to American consumers, the item would review power limits developed in the 1990s on non-geostationary satellite orbit, fixed-satellite service systems for the protection of geostationary satellite networks.
2	Wireless Tele-Communications	<i>Title:</i> Utilizing the Lower 37 GHz Band (WT Docket No. 24-243); Use of Spectrum Bands Above 24 GHz for Mobile Radio Services (GN Docket No. 14-177) <i>Summary:</i> The Commission will consider a Report and Order, Sixth Report and Order, and Further Notice of Proposed Rulemaking establishing a licensing framework for use of the 37-37.6 GHz band (Lower 37 GHz band).
3	Wireline Competition	<i>Title:</i> Caller ID Authentication on Non-IP Networks to Block Robocalls (WC Docket No. 17-97) <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking that proposes to develop a framework for evaluating whether non-IP caller ID authentication solutions are developed and reasonably available, as required by the TRACED Act, proposes to conclude that certain existing solutions satisfy those requirements, and proposes to require that providers that continue to rely on non-IP networks implement non-IP caller ID authentication solutions.
4	International	<i>Title:</i> Clarifying Foreign Ownership Rules (GN Docket No. 25-149)

Item No.	Bureau	Subject
		<p><i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking that would set clear expectations about the Commission's review under section 310(b) of the Act of foreign investment in common carrier wireless, aeronautical radio, and broadcast licensees to reduce unnecessary burdens on industry while continuing to protect the public interest, including national security, law enforcement, foreign policy, and trade policy.</p>

* * * * *

The meeting will be webcast at www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairman may hold a news conference in which he will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): MediaRelations@fcc.gov. Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418-0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Authority: This meeting is held, in accordance with the Government in the

Sunshine Act (Sunshine Act), Public Law 94-409, as amended (5 U.S.C. 552b).

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025-07303 Filed 4-25-25; 4:15 pm]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 25-328; FR ID 290611]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of the suspension of Ben Klein from the schools and libraries universal service support mechanism (or "E-Rate Program") and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against Mr. Klein. Mr. Klein, or any person who has an existing contract with or intends to contract with Mr. Klein to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving

the suspension letter or by May 29, 2025, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Christina Thomas, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christina Thomas may be contacted by phone at (202) 418-1879 or email at Christina.Thomas@fcc.gov. If Ms. Thomas is unavailable, you may contact Mr. Christopher J. Sova, Chief, Investigations and Hearings Division, by telephone at (202) 418-1868 or by email at Christopher.Sova@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 25-328, which was mailed to Mr. Klein and released on April 29, 2025. The complete text of the notice of suspension and initiation of debarment proceedings is available on the FCC's website at <https://docs.fcc.gov/public/attachments/DA-25-328A1.pdf>.

Federal Communications Commission.

Christopher Sova

Chief, Investigations and Hearings Division, Enforcement Bureau.

**Federal Communications Commission**

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

April 16, 2025

DA 25-328

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Ben Klein
c/o Paul B. Brickfield, Esq.
Brick & Donahue
70 Grand Ave
River Edge, NJ 07661-1935

**Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-24-00036796**

Dear Mr. Klein:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).¹ The conspiracy involved “transmit[ing] false documents and certifications across state lines via the internet to obtain payment from the Universal Service Administrative Company (USAC), a non-profit corporation which is in turn regulated and funded by the Commission, under the E-Rate program.”² Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.³ While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with its rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.⁴

¹ Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent sentencing in *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Plea Agreement (S.D.N.Y., filed Dec. 6, 2022) (*Plea Agreement*).

² *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Indictment (S.D.N.Y., filed Aug. 27, 2018) (*Indictment*).

³ 47 CFR 54.8.

⁴ *Id.*; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering § 54.521 of the universal service debarment rules as § 54.8 and amending paragraphs (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

I. Notice of Suspension

The Commission has established procedures to prevent persons who have “defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate program]” from receiving the benefits associated with that program.⁵ The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.⁶ Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.⁷ The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.⁸ Solicitations for E-Rate services must be based on fair and open competitive bidding free from any conflicts of interest.⁹

You pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme to obtain money from the E-Rate program fraudulently.¹⁰ For more than five years, you and your co-conspirators charged the E-Rate program for services and equipment supposedly provided to certain private and religious schools in Rockland County, New York, and other areas.¹¹ You and your co-conspirators controlled corporations that bypassed the fair bidding process by falsifying E-Rate documents and FCC forms, resulting in them being awarded numerous contracts. Together, you and your co-conspirators materially overbilled for services and equipment provided through E-Rate funds, requested hundreds of thousands of dollars of technology equipment for the schools, and falsely claimed that the equipment and services were provided to the schools.¹² However, in some instances, the schools never received millions of dollars’ worth of equipment and services that you attested to providing. Your scheme resulted in the fraudulent award of more than \$14 million paid to corporations which in turn paid hundreds of thousands of dollars to co-conspirators for participating in the scheme.¹³ You enriched yourself at the expense of the underprivileged children the program was designed to serve by accepting millions of dollars for services and equipment you did not provide.¹⁴

In October 2022, the United States District Court for the Southern District of New York sentenced you to twenty-seven months imprisonment followed by two years of supervised release.¹⁵ The court also ordered you to pay \$412,586.37 in restitution and a \$100 special assessment fee.¹⁶

Pursuant to § 54.8(d) of the Commission’s rules,¹⁷ your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.¹⁸ Your

⁵ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission’s debarment rules define a “person” as “[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.” 47 CFR 54.8(a)(6).

⁶ *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

⁷ 47 CFR 54.503, 54.504(a), 54.511(a).

⁸ *Id.* §§ 54.503, 54.511(a); *see also* USAC, *Open & Fair Process*, <https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/> (last visited April 2, 2025).

⁹ 47 CFR 54.503, 54.511(a).

¹⁰ *Plea Agreement*, *supra* note 1, at 1.

¹¹ *Indictment*, *supra* note 2, at 6.

¹² *Id.* at 6-8.

¹³ *Id.* at 5.

¹⁴ *See generally id.*

¹⁵ *Plea Agreement*, *supra* note 1, at 2-3.

¹⁶ *Id.* at 6. The restitution amount in its entirety is payable to USAC.

¹⁷ 47 CFR 54.8(d); *see Second Report and Order*, *supra* note 4, at 9225–27, paragraphs 67 through 74.

¹⁸ 47 CFR 54.8(a)(1), (d).

suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.¹⁹

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty calendar days of your receipt of this letter or its publication in the Federal Register, whichever comes first.²⁰ Such requests, however, will not ordinarily be granted.²¹ The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.²² The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.²³

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.²⁴ Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²⁵

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.²⁶ The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.²⁷ If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.²⁸

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to all federal universal service support mechanisms, including the E-Rate program, for three (3) years from the date of debarment.²⁹ The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.³⁰ Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments and any relevant documentation within thirty calendar days of receipt of notice or publication in the Federal Register of such debarment, whichever is earlier.³¹

Please direct any response as follows:

¹⁹ *Id.* § 54.8(e)(1); Second Report and Order, *supra* note 4, at 9226, paragraph 69.

²⁰ 47 CFR 54.8(e)(4).

²¹ *Id.*

²² *Id.* § 54.8(f).

²³ *Id.* § 54.8(e)(5), (f); Second Report and Order, *supra* note 4, at 9226, paragraph 70.

²⁴ "Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR 54.8(c). Associated activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." *Id.* § 54.8(a)(1).

²⁵ *Id.* § 54.8(b).

²⁶ *Id.* § 54.8(e)(3); Second Report and Order, *supra* note 4, at 9226, paragraph 70.

²⁷ 47 CFR 54.8(e)(5); Second Report and Order, *supra* note 4, at 9226, paragraph 70.

²⁸ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

²⁹ 47 CFR 54.8(d), (g); Second Report and Order, *supra* note 4, at 9225, paragraph 67.

³⁰ 47 CFR 54.8(g).

³¹ *Id.* § 54.8(e)(4).

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. 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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Christina Thomas at Christina.Thomas@fcc.gov or (202) 418-1879.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[FR Doc. 2025-07354 Filed 4-28-25; 8:45 am]
BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 25-329; FR ID 290700]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of the suspension of Moshe Schwartz from the schools and libraries universal service support mechanism (or "E-Rate Program") and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against Mr. Schwartz, Mr. Schwartz, or any

person who has an existing contract with or intends to contract with Mr. Schwartz to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving the suspension letter or by May 29, 2025, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christina Thomas, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christina Thomas may be contacted by phone at (202) 418-1879 or email at Christina.Thomas@fcc.gov. If Ms.

Thomas is unavailable, you may contact Mr. Christopher J. Sova, Chief, Investigations and Hearings Division, by telephone at (202) 418-1868 or by email at Christopher.Sova@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 25-329, which was mailed to Mr. Schwartz and released on April 29, 2025. The complete text of the notice of suspension and initiation of debarment proceedings is available on the FCC's website at <https://docs.fcc.gov/public/attachments/DA-25-329A1.pdf>.

Federal Communications Commission.

Christopher Sova,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

BILLING CODE 6712-01-P

**Federal Communications Commission**

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

April 16, 2025

DA 25-329

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Moshe Schwartz
c/o Steven Yurowitz
Yurowitz Law PLLC
950 3rd Ave FL 32
New York, NY 10022-2717

**Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-24-00036784**

Dear Mr. Schwartz:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).¹ The conspiracy involved “transmit[ting] false documents and certifications across state lines via the internet to obtain payment from the Universal Service Administrative Company (USAC), a non-profit corporation which is in turn regulated and funded by the Commission, under the E-Rate program.”² Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.³ While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with its rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.⁴

I. Notice of Suspension

The Commission has established procedures to prevent persons who have “defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate

¹ Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent sentencing in *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Plea Agreement (S.D.N.Y., filed Aug. 9 2022) (*Plea Agreement*).

² *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Indictment (S.D.N.Y., filed Aug. 27, 2018) (*Indictment*).

³ 47 CFR 54.8.

⁴ *Id.*; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism, Second Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight, Report and Order*, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering § 54.521 of the universal service debarment rules as § 54.8 and amending paragraphs (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

program]” from receiving the benefits associated with that program.⁵ The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.⁶ Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.⁷ The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.⁸ Solicitations for E-Rate services must be based on fair and open competitive bidding free from any conflicts of interest.⁹

You pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme to obtain money from the E-Rate program fraudulently.¹⁰ For more than five years you posed as a Rockland County, New York-based independent educational consultant working for private religious schools that desired to participate in the E-Rate program.¹¹ In fact, you worked with and for your co-conspirators who acted as vendors to the same schools.¹² Together, you and your co-conspirators perpetrated a scheme whereby you prepared E-Rate requests in the schools’ names, materially overbilled for services and equipment provided through E-Rate funds, requested hundreds of thousands of dollars of technology equipment purportedly for the schools, and falsely claimed that the equipment and services were provided to the schools.¹³ The scheme resulted in millions of dollars in E-Rate funds being paid to your co-conspirators.¹⁴ You enriched yourself at the expense of the underprivileged children the program was designed to serve by accepting hundreds of thousands of dollars in payments from the vendors, while fraudulently presenting yourself as an independent contractor.¹⁵

In June 2022, the United States District Court for the Southern District of New York sentenced you to twenty-seven months imprisonment followed by two years of supervised release.¹⁶ The court also ordered you to pay \$275,160 in restitution and a \$100 special assessment fee.¹⁷

Pursuant to § 54.8(d) of the Commission’s rules,¹⁸ your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.¹⁹ Your suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.²⁰

In accordance with the Commission’s suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty calendar days of your receipt of this letter or its publication in the Federal Register, whichever comes

⁵ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission’s debarment rules define a “person” as “[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.” 47 CFR 54.8(a)(6).

⁶ *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

⁷ 47 CFR 54.503, 54.504(a), 54.511(a).

⁸ *Id.* §§ 54.503, 54.511(a); see also USAC, *Open & Fair Process*, <https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/> (last visited April 2, 2025).

⁹ 47 CFR 54.503, 54.511(a).

¹⁰ *Plea Agreement*, *supra* note 1, at 1.

¹¹ *Indictment*, *supra* note 2, at 5.

¹² *Id.* at 8-9.

¹³ *Id.* at 5-8.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Plea Agreement*, *supra* note 1, at 2-3.

¹⁷ *Id.* at 6. The restitution amount in its entirety is payable to USAC.

¹⁸ 47 CFR 54.8(d); see *Second Report and Order*, *supra* note 4, at 9225–27, paragraphs 67 through 74.

¹⁹ 47 CFR 54.8(a)(1), (d).

²⁰ *Id.* § 54.8(e)(1); *Second Report and Order*, *supra* note 4, at 9226, para. 69.

first.²¹ Such requests, however, will not ordinarily be granted.²² The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.²³ The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.²⁴

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.²⁵ Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²⁶

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.²⁷ The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.²⁸ If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.²⁹

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to all federal universal service support mechanisms, including the E-Rate program, for three (3) years from the date of debarment.³⁰ The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.³¹ Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments and any relevant documentation within thirty calendar days of receipt of notice or publication in the Federal Register of such debarment, whichever is earlier.³²

Please direct any response as follows:

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. 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

²¹ 47 CFR 54.8(e)(4).

²² *Id.*

²³ 47 CFR 54.8(f).

²⁴ *Id.* § 54.8(e)(5), (f); *Second Report and Order*, *supra* note 4, at 9226, para. 70.

²⁵ "Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR 54.8(c). Associated activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." *Id.* § 54.8(a)(1).

²⁶ *Id.* § 54.8(b).

²⁷ *Id.* § 54.8(e)(3); *see Second Report and Order*, *supra* note 4, at 9226, para. 70.

²⁸ 47 CFR 54.8(e)(5); *Second Report and Order*, *supra* note 4, at 9226, para. 70.

²⁹ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

³⁰ 47 CFR 54.8(d), (g); *Second Report and Order*, *supra* note 4, at 9225, para. 67.

³¹ 47 CFR 54.8(g).

³² *Id.* § 54.8(e)(4).

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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov.

The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Christina Thomas at Christina.Thomas@fcc.gov or (202) 418-1879.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[FR Doc. 2025-07355 Filed 4-28-25; 8:45 am]
BILLING CODE 6712-01-C

FEDERAL COMMUNICATIONS COMMISSION

[DA 25-327; FR ID 290544]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications
Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of the suspension of Aron Melber from the schools and libraries universal service support mechanism (or "E-Rate Program") and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against Mr. Melber. Mr. Melber, or any person

who has an existing contract with or intends to contract with Mr. Melber to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving the suspension letter or by May 29, 2025, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christina Thomas, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christina Thomas may be contacted by phone at (202) 418-1879 or email at

Christina.Thomas@fcc.gov. If Ms. Thomas is unavailable, you may contact Mr. Christopher J. Sova, Chief, Investigations and Hearings Division, by telephone at (202) 418-1868 or by email at Christopher.Sova@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 25-327, which was mailed to Mr. Melber and released on April 29, 2025. The complete text of the notice of suspension and initiation of debarment proceedings is on the FCC's website at <https://docs.fcc.gov/public/attachments/DA-25-327A1.pdf>.

Federal Communications Commission.

Christopher Sova,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

BILLING CODE 6712-01-P

**Federal Communications Commission**

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

April 16, 2025

DA 25-327

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Aron Melber
c/o Henry E. Mazurek Jr., Esq.
Meister Seelig & Fein LLP
125 Park Ave, Ste 700
New York, NY 10017-5529

**Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-24-00036786**

Dear Mr. Melber:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, arising out of activities associated with the federal, schools and libraries universal service support mechanism (E-Rate program).¹ The conspiracy involved “transmit[ing] false documents and certifications across state lines via the internet to obtain payment from the Universal Service Administrative Company (USAC), a non-profit corporation which is in turn regulated and funded by the Commission, under the E-Rate program.”² Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.³ While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with its rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.⁴

¹ Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent sentencing in *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Plea Agreement (S.D.N.Y., filed Mar. 8, 2023) (*Plea Agreement*).

² *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Indictment (S.D.N.Y., filed Aug. 27, 2018) (*Indictment*).

³ 47 CFR 54.8.

⁴ *Id.*; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. *See Schools and Libraries Universal Service Support Mechanism, Second Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight, Report and Order*, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering § 54.521 of the universal service debarment rules as § 54.8 and amending paragraphs (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

I. Notice of Suspension

The Commission has established procedures to prevent persons who have “defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate program]” from receiving the benefits associated with that program.⁵ The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.⁶ Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.⁷ The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.⁸ Solicitations for E-Rate services must be based on fair and open competitive bidding, free from any conflicts of interest.⁹

You pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme to obtain money from the E-Rate program fraudulently.¹⁰ In your role as a school official at a private and religious school in Rockland County, New York, you conspired with vendors and consultants to defraud the E-Rate program.¹¹ You certified to USAC that you obtained equipment and services through a fair and open bidding process.¹² However, you never held an open or fair bidding process. Instead, you repeatedly entered into contracts with your co-conspirators instead of the more cost-effective service providers.¹³ You billed USAC for equipment the schools never received and in some instances did not even desire due to religious reasons.¹⁴ In return for your participation in the scheme, you received a variety of improper benefits from your Co-conspirators, including a percentage of the money fraudulently obtained from E-Rate.¹⁵

In February 2023, the United States District Court for the Southern District of New York sentenced you to nine months imprisonment followed by two years of supervised release.¹⁶ The court also ordered you to pay \$127,654.55 in restitution and a \$100 special assessment fee.¹⁷

Pursuant to § 54.8(d) of the Commission’s rules,¹⁸ your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.¹⁹ Your suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.²⁰

⁵ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission’s debarment rules define a “person” as “[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.” 47 CFR 54.8(a)(6).

⁶ *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

⁷ 47 CFR 54.503, 54.504(a), 54.511(a).

⁸ *Id.* §§ 54.503, 54.511(a); see also USAC, *Open & Fair Process*, <https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/> (last visited April 2, 2025).

⁹ 47 CFR 54.503, 54.511(a).

¹⁰ *Plea Agreement*, *supra* note 1, at 1.

¹¹ *Indictment*, *supra* note 2, at 6.

¹² *Id.*

¹³ *Id.* at 8.

¹⁴ *Id.* at 8-9.

¹⁵ *Id.*

¹⁶ *Plea Agreement*, *supra* note 1, at 2-3.

¹⁷ *Id.* at 6. The restitution amount in its entirety is payable to USAC.

¹⁸ 47 CFR 54.8(d); see *Second Report and Order*, *supra* note 4, at 9225–27, paragraphs 67 through 74.

¹⁹ 47 CFR 54.8(a)(1), (d).

²⁰ *Id.* § 54.8(e)(1); *Second Report and Order*, *supra* note 4, at 9226, paragraph 69.

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty calendar days of your receipt of this letter or its publication in the Federal Register, whichever comes first.²¹ Such requests, however, will not ordinarily be granted.²² The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.²³ The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.²⁴

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.²⁵ Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²⁶

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.²⁷ The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.²⁸ If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.²⁹

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to all federal universal service support mechanisms, including the E-Rate program, for three (3) years from the date of debarment.³⁰ The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.³¹ Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments and any relevant documentation within thirty calendar days of receipt of notice or publication in the Federal Register of such debarment, whichever is earlier.³²

Please direct any response as follows:

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief,

²¹ 47 CFR 54.8(e)(4).

²² *Id.*

²³ *Id.* § 54.8(f).

²⁴ *Id.* § 54.8(e)(5), (f); *Second Report and Order*, *supra* note 4, at 9226, paragraph 70.

²⁵ "Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR 54.8(c). Associated activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." *Id.* § 54.8(a)(1).

²⁶ *Id.* § 54.8(b).

²⁷ *Id.* § 54.8(e)(3); *Second Report and Order*, *supra* note 4, at 9226, paragraph 70.

²⁸ 47 CFR 54.8(e)(5); *Second Report and Order*, *supra* note 4, at 9226, paragraph 70.

²⁹ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

³⁰ 47 CFR 54.8(d), (g); *Second Report and Order*, *supra* note 4, at 9225, paragraph 67.

³¹ 47 CFR 54.8(g).

³² *Id.* § 54.8(e)(4).

Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. 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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Christina Thomas at Christina.Thomas@fcc.gov or (202) 418-1879.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[FR Doc. 2025-07353 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-C

FEDERAL COMMUNICATIONS COMMISSION

[DA 25-330; FR ID 290726]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of the suspension of Peretz Klein from the schools and libraries universal service support mechanism (or "E-Rate Program") and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against

Mr. Klein. Mr. Klein, or any person who has an existing contract with or intends to contract with Mr. Klein to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving the suspension letter or by May 29, 2025, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christina Thomas, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christina Thomas may be contacted by phone at (202) 418-1879 or email at Christina.Thomas@fcc.gov. If Ms.

Thomas is unavailable, you may contact Mr. Christopher J. Sova, Chief, Investigations and Hearings Division, by telephone at (202) 418-1868 or by email at Christopher.Sova@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 25-330, which was mailed to Mr. Klein and released on April 29, 2025. The complete text of the notice of suspension and initiation of debarment proceedings is available on the FCC's website at <https://docs.fcc.gov/public/attachments/DA-25-330A1.pdf>.

Federal Communications Commission.

Christopher J. Sova,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

BILLING CODE 6712-01-P

**Federal Communications Commission**

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

April 16, 2025

DA 25-330

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Peretz Klein
c/o Susan R. Necheles, Esq.
Necheles Law LLP
1120 Avenue of the Americas FL 4
New York, NY 10036-6700

**Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-24-00036790**

Dear Mr. Klein:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).¹ The conspiracy involved “transmit[ing] false documents and certifications across state lines via the internet to obtain payment from the Universal Service Administrative Company (USAC), a non-profit corporation which is in turn regulated and funded by the Commission, under the E-Rate program.”² Consequently, pursuant to 47 CFR 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.³ While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with its rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.⁴

I. Notice of Suspension

The Commission has established procedures to prevent persons who have “defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate

¹ Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent sentencing in *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Plea Agreement (S.D.N.Y., filed Jul. 19, 2022) (*Plea Agreement*).

² *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Indictment (S.D.N.Y., filed Aug. 27, 2018) (*Indictment*).

³ 47 CFR 54.8.

⁴ *Id.*; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. See *Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as § 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

program]” from receiving the benefits associated with that program.⁵ The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.⁶ Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.⁷ The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.⁸ Solicitations for E-Rate services must be based on fair and open competitive bidding free from any conflicts of interest.⁹

You pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme to obtain money from the E-Rate program fraudulently.¹⁰ For more than five years, you and your co-conspirators charged the E-Rate program for services and equipment supposedly provided to certain private and religious schools in Rockland County, New York, and other areas.¹¹ You and your co-conspirators controlled corporations that bypassed the fair bidding process by falsifying E-Rate documents and FCC forms, resulting in them being awarded numerous contracts. Together, you and your co-conspirators materially overbilled for services and equipment provided through E-Rate funds, requested hundreds of thousands of dollars of technology equipment for the schools, and falsely claimed that the equipment and services were provided to the schools.¹² However, in some instances, the schools never received millions of dollars’ worth of equipment and services that you attested to providing. Your scheme resulted in the fraudulent award of more than \$14 million paid to corporations which in turn paid hundreds of thousands of dollars to co-conspirators for participating in the scheme.¹³ You enriched yourself at the expense of the underprivileged children the program was designed to serve by accepting millions of dollars for services and equipment you did not provide.¹⁴

In June 2022, the United States District Court for the Southern District of New York sentenced you to forty-eight months imprisonment followed by two years of supervised release.¹⁵ The court also ordered you to pay \$1,144,288.37 in restitution and a \$100 special assessment fee.¹⁶

Pursuant to § 54.8(d) of the Commission’s rules,¹⁷ your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.¹⁸ Your suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.¹⁹

In accordance with the Commission’s suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty

⁵ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission’s debarment rules define a “person” as “[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.” 47 CFR 54.8(a)(6).

⁶ *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

⁷ 47 CFR 54.503, 54.504(a), 54.511(a).

⁸ *Id.* §§ 54.503, 54.511(a); see also USAC, *Open & Fair Process*, <https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/> (last visited April 2, 2025).

⁹ 47 CFR 54.503, 54.511(a).

¹⁰ *Plea Agreement*, *supra* note 1, at 1.

¹¹ *Indictment*, *supra* note 2, at 6.

¹² *Id.* at 6-8.

¹³ *Id.* at 5.

¹⁴ See generally *id.*

¹⁵ *Plea Agreement*, *supra* note 1, at 2-3.

¹⁶ *Id.* at 6. The restitution amount in its entirety is payable to USAC.

¹⁷ 47 CFR 54.8(d); see *Second Report and Order*, *supra* note 4, at 9225–27, paragraphs. 67 through 74.

¹⁸ 47 CFR 54.8(a)(1), (d).

¹⁹ *Id.* § 54.8(e)(1); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 69.

calendar days of your receipt of this letter or its publication in the Federal Register, whichever comes first.²⁰ Such requests, however, will not ordinarily be granted.²¹ The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.²² The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.²³

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in §54.8(c) of the Commission's rules.²⁴ Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²⁵

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.²⁶ The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.²⁷ If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.²⁸

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to all federal universal service support mechanisms, including the E-Rate program, for three (3) years from the date of debarment.²⁹ The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.³⁰ Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments and any relevant documentation within thirty calendar days of receipt of notice or publication in the Federal Register of such debarment, whichever is earlier.³¹

Please direct any response as follows:

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. Hand-delivered or messenger-delivered paper filings for

²⁰ 47 CFR 54.8(e)(4).

²¹ *Id.*

²² *Id.* § 54.8(f).

²³ *Id.* § 54.8(e)(5), (f); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁴ “Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism.” 47 CFR 54.8(c). Associated activities “include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms.” *Id.* § 54.8(a)(1).

²⁵ *Id.* § 54.8(b).

²⁶ *Id.* § 54.8(e)(3); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁷ 47 CFR 54.8(e)(5); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁸ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

²⁹ 47 CFR 54.8(d), (g); *Second Report and Order*, *supra* note 4, at 9225, paragraph. 67.

³⁰ 47 CFR 54.8(g).

³¹ *Id.* § 54.8(e)(4).

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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov.

The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Christina Thomas at Christina.Thomas@fcc.gov or (202) 418-1879.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[FR Doc. 2025-07347 Filed 4-28-25; 8:45 am]
BILLING CODE 6712-01-C

FEDERAL COMMUNICATIONS COMMISSION

[DA 25-331; FR ID 290733]

Notice of Suspension and Commencement of Proposed Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications
Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of the suspension of Sholem Steinberg from the schools and libraries universal service support mechanism (or "E-Rate Program") and all universal service support mechanisms. Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Steinberg, or any person who

has an existing contract with or intends to contract with Mr. Steinberg to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation.

DATES: Opposition requests must be submitted within 30 days of receiving the suspension letter or by May 29, 2025, whichever comes first. The Bureau will decide on any opposition request within 90 days.

ADDRESSES: Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Christina Thomas, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, 45 L Street NE, Washington, DC 20554. Christina Thomas may be contacted by phone at (202) 418-1879 or email at Christina.Thomas@fcc.gov. If Ms.

Thomas is unavailable, you may contact Mr. Christopher J. Sova, Chief, Investigations and Hearings Division, by telephone at (202) 418-1868 or by email at Christopher.Sova@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8 and 47 CFR 0.111(a)(14). Suspensions ensure that suspended parties cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 25-331, which was mailed to Mr. Steinberg and released on May 29, 2025. The complete text of the notice of suspension and initiation of debarment proceedings is available on the FCC's website at <https://docs.fcc.gov/public/attachments/DA-25-331A1.pdf>.

Federal Communications Commission.

Christopher Sova,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

BILLING CODE 6712-01-P

**Federal Communications Commission**

Enforcement Bureau
Investigations and Hearings Division
45 L Street, NE
Washington, DC 20554

April 16, 2025

DA 25-331

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Sholem Steinberg
c/o Eric M Creizman, Esq.
Morrison Cohen LLP
909 3rd Ave FL 27
New York, NY 10022-4784

**Re: Notice of Suspension and Initiation of Debarment Proceeding
File No. EB-IHD-24-00036794**

Dear Mr. Steinberg:

The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) received notice of your conviction of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371, arising out of activities associated with the federal schools and libraries universal service support mechanism (E-Rate program).¹ The conspiracy involved “transmit[ing] false documents and certifications across state lines via the internet to obtain payment from the Universal Service Administrative Company (USAC), a non-profit corporation which is in turn regulated and funded by the Commission, under the E-Rate program.”² Consequently, pursuant to 47 CFR § 54.8, this letter constitutes official notice of your suspension from the E-Rate program and all federal universal service support mechanisms.³ While suspended, you are prohibited from participating in or receiving any benefit associated with all federal universal service support mechanisms, including the E-Rate program. Additionally, in accordance with its rules, the Bureau is commencing a proceeding to debar you from future participation in all federal universal service support mechanisms for three years.⁴

I. Notice of Suspension

The Commission has established procedures to prevent persons who have “defrauded the government or engaged in similar acts through activities associated with or related to the [E-Rate

¹ Any further reference in this letter to “your conviction” refers to your guilty plea and subsequent sentencing in *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Plea Agreement (S.D.N.Y., filed Dec. 20, 2022) (*Plea Agreement*).

² *United States v. Goldbrener et al.*, Case No. 7:18-cr-00614, Indictment (S.D.N.Y., filed Aug. 27, 2018). (*Indictment*).

³ 47 CFR 54.8.

⁴ *Id.*; 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the E-Rate program in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) (*Second Report and Order*) (adopting § 54.521 to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms. See *Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, Report and Order, 22 FCC Rcd 16372, 16410–12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as § 54.8 and amending subsections (a)(1), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

program]” from receiving the benefits associated with that program.⁵ The statutory provisions and Commission rules relating to the E-Rate program are designed to ensure E-Rate funds are used for their intended purpose.⁶ Schools may receive E-Rate program funding for eligible goods and services by filing application forms, seeking competitive bids, and selecting the most cost-effective vendor.⁷ The E-Rate program rules prohibit an E-Rate vendor or anyone associated with an E-Rate vendor from participating in the application process or vendor selection.⁸ Solicitations for E-Rate services must be based on fair and open competitive bidding free from any conflicts of interest.⁹

You pleaded guilty to a wire fraud conspiracy that involved knowingly and willfully devising a scheme to obtain money from the E-Rate program fraudulently.¹⁰ For more than five years, you and your co-conspirators charged the E-Rate program for services and equipment supposedly provided to certain private and religious schools in Rockland County, New York, and other areas.¹¹ You and your co-conspirators controlled corporations that bypassed the fair bidding process by falsifying E-Rate documents and FCC forms, resulting in them being awarded numerous contracts. Together, you and your co-conspirators materially overbilled for services and equipment provided through E-Rate funds, requested hundreds of thousands of dollars of technology equipment for the schools, and falsely claimed that the equipment and services were provided to the schools.¹² However, in some instances, the schools never received millions of dollars’ worth of equipment and services that you attested to providing. Your scheme resulted in the fraudulent award of more than \$14 million paid to corporations which in turn paid hundreds of thousands of dollars to co-conspirators for participating in the scheme.¹³ You enriched yourself at the expense of the underprivileged children the program was designed to serve by accepting millions of dollars for services and equipment you did not provide.¹⁴

In November 2022, the United States District Court for the Southern District of New York sentenced you to twelve months imprisonment followed by two years of supervised release.¹⁵ The court also ordered you to pay \$191,423.50 in restitution and a \$100 special assessment fee.¹⁶

Pursuant to § 54.8(d) of the Commission’s rules,¹⁷ your conviction requires the Bureau to suspend you from: (a) participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program; and (b) participating in any activities associated with or related to all federal universal service support mechanisms.¹⁸ Your suspension becomes effective upon either your receipt of this letter or its publication in the Federal Register, whichever comes first.¹⁹

⁵ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66; *Program Management Order*, 22 FCC Rcd at 16387, para. 32. The Commission’s debarment rules define a “person” as “[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized.” 47 CFR 54.8(a)(6).

⁶ *NEC-Business Network Solutions, Inc.*, Notice of Debarment and Order Denying Waiver Petition, 21 FCC Rcd 7491, 7493, para. 7 (2006).

⁷ 47 CFR 54.503, 54.504(a), 54.511(a).

⁸ *Id.* §§ 54.503, 54.511(a); see also USAC, *Open & Fair Process*, <https://www.usac.org/e-rate/applicant-process/competitive-bidding/open-fair-process/> (last visited April 2, 2025).

⁹ 47 CFR 54.503, 54.511(a).

¹⁰ *Plea Agreement*, *supra* note 1, at 1.

¹¹ *Indictment*, *supra* note 2, at 6.

¹² *Id.* at 6-8.

¹³ *Id.* at 5.

¹⁴ See generally *id.*

¹⁵ *Plea Agreement*, *supra* note 1, at 2-3.

¹⁶ *Id.* at 6. The restitution amount in its entirety is payable to USAC.

¹⁷ 47 CFR 54.8(d); see *Second Report and Order*, *supra* note 4, at 9225–27, paragraphs. 67 through 74.

¹⁸ 47 CFR 54.8(a)(1), (d).

¹⁹ *Id.* § 54.8(e)(1); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 69.

In accordance with the Commission's suspension and debarment rules, you may contest this suspension or the scope of this suspension by filing arguments, with any relevant documents, within thirty calendar days of your receipt of this letter or its publication in the Federal Register, whichever comes first.²⁰ Such requests, however, will not ordinarily be granted.²¹ The Bureau may reverse or limit the scope of a suspension only upon a finding of extraordinary circumstances.²² The Bureau will decide any request to reverse or modify a suspension within ninety calendar days of its receipt of such request.²³

II. Initiation of Debarment Proceedings

In addition to requiring your immediate suspension from all federal universal service support mechanisms, including the E-Rate program, your conviction is cause for debarment as defined in § 54.8(c) of the Commission's rules.²⁴ Therefore, pursuant to § 54.8(b) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²⁵

As with the suspension process, you may contest the proposed debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within thirty calendar days of receipt of this letter or its publication in the Federal Register, whichever comes first.²⁶ The Bureau, in the absence of extraordinary circumstances, will notify you of its decision to debar within ninety calendar days of receiving any information you may have filed.²⁷ If the Bureau decides to debar you, its decision will become effective upon either your receipt of a debarment notice or publication of the decision in the Federal Register, whichever comes first.²⁸

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to all federal universal service support mechanisms, including the E-Rate program, for three (3) years from the date of debarment.²⁹ The Bureau may set a longer debarment period or extend an existing debarment period if necessary to protect the public interest.³⁰ Pursuant to the Commission's rules, should you choose to contest the scope or length of any such debarment, you must file arguments and any relevant documentation within thirty calendar days of receipt of notice or publication in the Federal Register of such debarment, whichever is earlier.³¹

Please direct any response as follows:

If sent by messenger or hand delivery, or by commercial overnight mail (other than U.S. Postal Service Priority Mail, Priority Mail Express, and Priority Mail), the response must be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, to the attention of Christopher J. Sova, Chief,

²⁰ 47 CFR 54.8(e)(4).

²¹ *Id.*

²² *Id.* § 54.8(f).

²³ *Id.* § 54.8(e)(5), (f); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁴ "Causes for suspension and debarment are conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism, the high-cost support mechanism, the rural healthcare support mechanism, and the low-income support mechanism." 47 CFR 54.8(c). Associated activities "include the receipt of funds or discounted services through [the federal universal service] support mechanisms, or consulting with, assisting, or advising applicants or service providers regarding [the federal universal service] support mechanisms." *Id.* § 54.8(a)(1).

²⁵ *Id.* § 54.8(b).

²⁶ *Id.* § 54.8(e)(3); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁷ 47 CFR 54.8(e)(5); *Second Report and Order*, *supra* note 4, at 9226, paragraph. 70.

²⁸ 47 CFR 54.8(c)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. *Id.* § 54.8(f).

²⁹ 47 CFR 54.8(d), (g); *Second Report and Order*, *supra* note 4, at 9225, paragraph. 67.

³⁰ 47 CFR 54.8(g).

³¹ *Id.* § 54.8(e)(4).

Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9050 Junction Drive, Annapolis Junction, MD, 20701. 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.

If sent by First-Class Mail, Priority Mail Express, or Priority Mail, the response must be sent to Christopher J. Sova, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554.

You must also transmit an electronic copy of the response and all Documents produced with the response via e-mail to IHDTelecom@fcc.gov.

The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source. If you have any questions, please contact Christina Thomas at Christina.Thomas@fcc.gov or (202) 418-1879.

Sincerely,

Christopher J. Sova
Chief
Investigations and Hearings Division
Enforcement Bureau

[FR Doc. 2025-07348 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-C

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0938; FR ID 291101]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper

performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 30, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0938.
Title: Form 2100, Schedule 319—Low Power FM Station License Application.
Form Number: Form 2100, Schedule 319.

Type of Review: Extension of a currently approved collection.

Respondents: Not-for-profit institutions, State, local or Tribal Government.

Number of Respondents and Responses: 200 respondents and 200 responses.

Estimated Time per Response: 1 hour.
Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 200 hours.
Total Annual Cost: \$27,500.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections

154(i), 303 and 308 of the Communications Act of 1934, as amended.

Needs and Uses: FCC Form 2100, Schedule 319 (LPFM License Application) is used to apply for a new or modified low power FM (LPFM) broadcast station license in the current Media Bureau database system, the "Licensing Management System." Specifically, it may be used: (1) to cover an authorized construction permit; (2) to replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays; (3) to replace the transmission line, which may require a change in the transmitter power output to maintain the licensed effective radiated power; (4) to change the hours of operation of a LPFM station authorized to operate pursuant to a time-share agreement; (5) to amend a pending license application; and (6) as otherwise ordered by staff.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025-07308 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0750; FR ID 291118]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 29, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0750.
Title: 47 CFR 73.671, Educational and Informational Programming for Children; 47 CFR 73.673, Public Information Initiatives Regarding Educational and Informational Programming for Children.
Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,767 respondents; 1,123,812 responses.

Estimated Time per Response: 0.017-0.084 hours.

Frequency of Response: Third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 303, and 336 of the Communications Act of 1934, as amended.

Total Annual Burden: 57,463 hours.
Total Annual Cost: None.

Needs and Uses: On July 10, 2019, the Commission adopted a Report and Order in MB Docket Nos. 18-202 and 17-105, FCC 19-67, In the Matter of Children's Television Programming Rules; Modernization of Media Regulation Initiative, which modernizes the children's television programming rules in light of changes to the media landscape that have occurred since the rules were first adopted. The Report and Order revises the following information collection requirements:

Pursuant to 47 CFR 73.671(c)(5), each commercial television broadcast station must identify programming as specifically designed to educate and

inform children by the display on the television screen throughout the program of the symbol E/I. This requirement is intended to assist parents in identifying educational and informational programming for their children. Noncommercial television broadcast stations are no longer required to identify Core Programming by displaying the E/I symbol throughout the program.

Pursuant to 47 CFR 73.671(e), each television broadcast station that preempts an episode of a regularly scheduled weekly Core Program on its primary stream will be permitted to count the episode toward the Core Programming processing guidelines if it reschedules the episode on its primary stream in accordance with the requirements of 47 CFR 73.671(e). Similarly, each television broadcast station that preempts an episode of a regularly scheduled weekly Core Program on a multicast stream will be permitted to count the episode toward the Core Programming processing guidelines if it reschedules the episode on the multicast stream in accordance with the requirements of 47 CFR 73.671(e). Among other requirements, the station must make an on-air notification of the schedule change during the same time slot as the preempted episode. The on-air notification must include the alternate date and time when the program will air. This requirement will help to ensure that parents and children are able to locate the rescheduled program.

Pursuant to 47 CFR 73.673, each commercial television broadcast station licensee must provide information identifying programming specifically designed to educate and inform children to publishers of program guides. This requirement is intended to improve the information available to parents regarding programming specifically designed for children's educational and informational needs. Commercial television broadcast station licensees are no longer be required to provide program guide publishers an indication of the age group for which the programming is intended. The Report and Order finds that very few program guides include this information.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2025-07309 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0316; FR ID 291461]

Information Collection Being Reviewed by the Federal Communications Commission**AGENCY:** Federal Communications Commission.**ACTION:** Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 30, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0316.
Title: 47 CFR 76.5, Definitions, 76.1700, Records to Be Maintained Locally by Cable System Operators; 76.1702, Equal Employment Opportunity; 76.1703, Commercial Records on Children's Programs;

76.1707, Leased Access; 76.1711, Emergency Alert System (EAS) Tests and Activation.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 3,000 respondents; 3,000 responses.

Estimated Time per Response: 14 hours.

Frequency of Response: Recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

Total Annual Burden: 42,000 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission is seeking Office of Management and Budget (OMB) approval for the extension of a currently approved collection. The information collection requirements for this information collection are as follows: 47 CFR 76.1700 requires cable system operators to place the public inspection file materials required to be retained by the following rules in the online public file hosted by the Commission: Sections 76.1701 (political file); 76.1702 (EEO); 76.1703 (commercial records for children's programming); 76.1707 (leased access); 76.1709 (availability of signals); 76.1715 (sponsorship identification); and 76.630 (compatibility with consumer electronics equipment).

47 CFR 76.1700(b) requires cable system operators to make the records required to be retained by the following rules available to local franchising authorities: Sections 76.1704 (proof-of-performance test data) and 76.1713 (complaint resolution).

47 CFR 76.1700(c) requires cable system operators to make the records required to be retained by the following rules available to the Commission: Sections 76.1704 (proof-of-performance test data); 76.1706 (signal leakage logs and repair records); 76.1711 (emergency alert system and activations); 76.1713 (complaint resolution); and 76.1716 (subscriber records).

47 CFR 76.1700(d) exempts cable television systems having fewer than 1,000 subscribers from the online public file and the public inspection requirements contained in 47 CFR

76.1701 (political file); 76.1702 (equal employment opportunity); 76.1703 (commercial records for children's programming); 76.1704 (proof-of-performance test data); 76.1706 (signal leakage logs and repair records); and 76.1715 (sponsorship identifications).

47 CFR 76.1700(e) requires, for cable systems exempt from the online public file requirement, that public file material that continues to be retained at the system be retained in a public inspection file maintained at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s) (such as a public registry for documents or an attorney's office). Public files must be available for public inspection during regular business hours.

47 CFR 76.1700(f) requires cable systems to provide a link to the public inspection file hosted on the Commission's website from the home page of its own website, if the system has a website, and provide contact information on its website for a system representative who can assist any person with disabilities with issues related to the content of the public files. A system also is required to include in the online public file the address of the system's local public file, if the system retains documents in the local file that are not available in the Commission's online file, and the name, phone number, and email address of the system's designated contact for questions about the public file. In addition, a system must provide on the online public file a list of the five digit ZIP codes served by the system.

47 CFR 76.1700(g) requires that cable operators make any material in the public inspection file that is not also available in the Commission's online file available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies must be fulfilled at a location specified by the system operator, within a reasonable period of time, which in no event shall be longer than seven days. The system operator is not required to honor requests made by mail but may do so if it chooses.

47 CFR 76.1702(a) requires that every employment unit with six or more full-time employees shall maintain for public inspection a file containing copies of all EEO program annual reports filed with the Commission and the equal employment opportunity program information described in 47

CFR 76.1702(b). These materials shall be placed in the Commission's online public inspection file for each cable system associated with the employment unit. These materials must be placed in the Commission's online public inspection file annually by the date that the unit's EEO program annual report is due to be filed and shall be retained for a period of five years. A headquarters employment unit file and a file containing a consolidated set of all documents pertaining to the other employment units of a multichannel video programming distributor that operates multiple units shall be maintained in the Commission's online public file for every cable system associated with the headquarters employment unit.

47 CFR 76.1702(b) requires that the following equal employment opportunity program information shall be included annually in the unit's public file, and on the unit's website, if it has one, at the time of the filing of its FCC Form 396-C: (1) A list of all full-time vacancies filled by the multichannel video programming distributor employment unit during the preceding year, identified by job title; (2) For each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification, which should be separately identified), identified by name, address, contact person and telephone number; (3) The recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) A list and brief description of the initiatives undertaken during the preceding year, if applicable.

47 CFR 76.1703 requires that cable operations airing children's programming must maintain records sufficient to verify compliance with 47 CFR 76.225 and make such records available to the public. Such records must be maintained for a period sufficient to cover the limitation period specified in 47 U.S.C. 503(b)(6)(B). Cable television operators must file their certifications of compliance with the commercial limits in children's programming annually within 30 days after the end of the calendar year.

47 CFR 76.1707 requires that if a cable operator adopts and enforces a written policy regarding indecent leased access programming pursuant to § 76.701, such a policy will be considered published

pursuant to that rule by inclusion of the written policy in the operator's public inspection file.

47 CFR 76.1711 requires that records be kept of each test and activation of the Emergency Alert System (EAS) procedures pursuant to the requirements of 47 CFR part 11 and the EAS Operating Handbook. These records shall be kept for three years.

47 CFR 76.5 defines certain terms covered in the cable industry.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025-07304 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1005; FR ID 291312]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning:

whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

DATES: Written PRA comments should be submitted on or before June 30, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to nicole.ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

SUPPLEMENTARY INFORMATION: The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

OMB Control Number: 3060-1005.

Title: Numbering Resource Optimization—Phase 3.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and State, Local, or Tribal Government.

Number of Respondents and Responses: 31 respondents; 211 responses.

Estimated Time per Response: 25-40 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 153, 154, 201-205, 207-209, 218, 225-227, 251-252, 271, and 332.

Total Annual Burden: 5,290 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission established a safety valve to ensure that carriers experiencing rapid growth in a given market will be able to meet customer demand. States may use this safety valve to grant requests from carriers that demonstrate the following:

(1) The carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of six months-to-exhaust requirement); and

(2) Projected growth is based on the carrier's actual growth in the market or rate area, or in the carrier's actual growth in a reasonably comparable market, but only if that projected growth varies no more than 15 percent from historical growth in the relevant market.

The Commission lifted the ban on service-specific and technology-specific overlays (collectively, specialized overlays or SOs), allowing state commissions seeking to implement SOs to request delegated authority to do so on a case-by-case basis. To provide further guidance to state commissions,

the Commission set forth the criteria that each request for delegated authority to implement a SO should address. This will enable us to examine the feasibility of SOs in a particular area, and to determine whether the Commission's stated goals are likely to be met if the SO is implemented. Specifically, state commissions should also specifically address the following:

(1) The technologies or services to be included in the SO;

(2) The geographic area to be covered;

(3) Whether the SO will be transitional;

(4) When the SO will be implemented and, if a transitional SO is proposed, when the SO will become an all-services overlay;

(5) Whether the SO will include take-backs;

(6) Whether there will be 10-digit dialing in the SO and the underlying area code(s);

(7) Whether the SO and underlying area code(s) will be subject to rationing; and

(8) Whether the SO will cover an area in which pooling is taking place.

The Commission uses the information it collects to assist the state commissions in carrying out their delegated authority over numbering resources.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025-07305 Filed 4-28-25; 8:45 am]

BILLING CODE 6712-01-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 May 14, 2025.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166-2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *Independence Bancshares, Inc., Employee Stock Ownership Plan (With 401(k) Provisions) ("KSOP"), Owensboro, Kentucky; and Gregory Mullican and Phillip Riney, both of Owensboro, Kentucky, Tracy Reid, Prospect, Kentucky, and Tawna Wright and Josh Searcy, both of Calhoun, Kentucky, all as trustees of KSOP;* as a group acting in concert, to retain voting shares of Independence Bancshares, Inc., and thereby indirectly retain voting shares of Independence Bank of Kentucky, both of Owensboro, Kentucky.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025-07363 Filed 4-28-25; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review: Services Provided to Unaccompanied Alien Children (0970-0553)

AGENCY: Office of Refugee Resettlement; Administration for Children and Families; U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, requests approval from the Office of Management and Budget (OMB) and invites public comments on the proposed information collection, including proposed changes. The request consists of several forms that allows the Unaccompanied Alien Children (UAC) Program to continue providing statutorily mandated services to unaccompanied alien children in ORR care.

DATES: *Comments due* May 29, 2025. OMB is required to decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR has undertaken a reorganization of its information collections to promote operational efficiency. The reorganization will result in more collections that contain fewer forms under a single OMB number. This information collection currently contains 22 unique forms (33 including alternative versions). Under the reorganization, ORR proposes to discontinue the use of 6 forms, transfer 10 forms to new information collections associated with Assessments and Home Studies/Post Release Services; and revisions to five existing forms.

The UAC Bureau is requesting to discontinue the use of 6 forms created for the case management system, the UC Path, which was never implemented. Except where indicated below, the UC Path versions of these forms contain features and/or logic not replicated in UAC Portal, and have never been used, thus maintaining these forms is unnecessary. These forms include:

- Long Term Foster Care Travel Request (Form S-14)—UC Path version

only. UAC Bureau plans to revise and continue using the UAC Portal version

- Home Study/Post-Release Service (HS/PRS) Provider Entity (Form S-21A)
 - Home Study/Post-Release Service (HS/PRS) Subcontractor Entity (Form S-21B)
 - Home Study/Post-Release Service (HS/PRS) Primary Provider Profile (Form S-21C)
 - Home Study/Post-Release Service (HS/PRS) Subcontractor Profile (Form S-21D)
 - Sponsor Application (Form S-24)
- Additionally, the following forms currently approved under this collection will be transferred to two new information collections proposed separately. The proposed new collections will encompass forms pertaining to Assessments and HS/PRS. These forms include:
- Assessments Information Collection
 - Sponsor Assessment (Form S-5)
 - Adult Contact Profile (Form S-7)
 - Initial Intakes Assessment (Form S-8)
 - Assessment for Risk (Form S-9)
 - UAC Assessment (Form S-11)
 - UAC Case Review (Form S-12)
 - Individual Service Plan (Form S-13)
 - Home Study/Post-Release Services Information Collection
 - Home Study Assessment (Form S-6)
 - Post-Release Service (PRS) Referral (Form S-19)
 - Home Study Referral (Form S-26)
 - Post-Release Service (PRS) Report (Form S-22)

Finally, the UAC Bureau plans to keep the following forms in this information collection and make revisions as noted below. These forms are completed by foster parents or case managers or clinicians at care provider facilities to request approval for a child to travel outside the local community with their foster parent; to update the child's biographic information and admit them into the program; to authorize and document the child's contact with others outside the program; to document outreach performed on the child's behalf by care providers; and to capture high-level milestones in the child's case. These forms are documentary in nature and a critical component of the child's case file. ORR-funded care providers must always remain compliant with ORR and state licensing requirements per the Unaccompanied Children Program Foundational Rule 45 CFR 410.1302(a); proposed revisions that remove or simplify form fields attesting to or documenting program compliance do not exempt programs from satisfying

these requirements. The following revisions are currently proposed for each form:

- Foster Care Travel Request (Form S-14):
 - Remove "Long-term" from the form's title to clarify this form may be used for children in all foster care settings.
 - Add "physical location of the child" filed to the UAC Basic Information section, consistent with changes made to the UAC Case Status (S-27) form; this field will auto-populate data from the "UAC Portal Discharge Tab."
 - Clarify that the name of the individual with whom the child is traveling must be an adult.
 - Remove Personal Vehicle information section from the form to align UAC travel request data collection with domestic child welfare practices;
 - Add Health Safety Travel Plan section to the form to document how the child's health condition, if applicable, may be effectively managed while traveling with their foster family, and plan for how the foster family will handle any health-related emergencies which may occur during travel.
 - Simplify the Travel Request Approval section by removing the following fields:
 - Reason Travel Request is being submitted to ORR/DCS for approval:
 - Is the travel request in accordance with state guidelines?
 - Purpose of travel and trip summary:
 - Are there any identified safety concerns in this child's background?
 - Is there any indication of flight risk
 - Add a summary approval field with an open text comment space for approving officials to document their rationale for approval or denial.
 - Adjust the burden estimate to account for an increase in the number of care provider facilities completing the form as the form is now used for children in all foster care settings, not just long-term foster care; a decrease in the number of children placed in ORR care; and to reflect a decrease in the overall number of fields the respondent will need to complete. The annual number of respondents increased from 30 to 138, the annual number of responses per respondent increased from 8 to 108; and the average burden hours per response decreased from 0.33 hours to 0.25 hours.
 - Admission (Form S-18):
 - Add "physical location of the child" filed to the UAC Basic Information section, consistent with changes made to the UAC Case Status (Form S-27) form; this field will auto-populate data from the UAC Portal Discharge Tab.

- Adjust the burden estimate to account for an increase in the number of care provider facilities and number of children placed in ORR care. The annual number of respondents increased from 216 to 300 and the annual number of responses per respondent decreased from 278 to 217.

- UAC Authorized/Restricted Call List and Call Log (Form S-20):
 - Add "Call Supervision Required?" field to the Authorized Contacts List; content will auto-populate on the call logs display tab and reference the corresponding field in the Family/Friend contact profile. When entering this data, respondents will select from a "Yes/No" dropdown menu to indicate if contact between the child and named individual must be supervised by care provider staff.
 - Add the following fields to the UAC Call Log to support data tracking related to UAC Bureau Policy Guide Section 3.3.10 Calls, Visitation, Mail and Email:
 - "Call Duration" with an open text field for the care provider staff to document the length of the call
 - "Supervision Required?", which will auto-populate "Yes" or "No" based on the corresponding field in the contact profile.
 - "Supervised By:" with an open text field for the care provider to identify which staff member supervised the call.
 - Call Method with dropdown options to specify if the contact was made by phone or video call.
 - Adjust the burden estimate to account for an increase in the number of care provider facilities, a decrease in the number of children placed in ORR care, as well as revisions to policies on phone calls in UAC Bureau Policy Guide Section 3.3.10-Calls, Visitation, Mail and Email as they impact form requirements. The annual number of respondents increased from 216 to 300, and the annual number of responses per respondent decreased from 6,981 to 217.
 - Case Manager Call Log and Case Notes (Form S-23):
 - Adjust the burden estimate to account for an increase in the number of care provider facilities, and a decrease in the number of children placed in ORR care. The annual number of respondents increased from 216 to 300, and the annual number of responses per respondent decreased from 8,426 to 217.
 - UAC Case Status (Form S-27):
 - Assigned a tracking number to the form (S-27).
 - Add "Physical Location of the Child" Field to the UAC Basic Information Section. This will auto-populate with data sourced from the

UAC Portal Discharge Tab, presented as an appendix to the form.

- Add “Concurrent Planning: Additional Potential Sponsors” segment to Family Reunification Section with the following fields (which will auto-populate from the Sponsor Assessment (Form S–5, currently approved under this information collection):

- Potential Sponsor Name
- Relationship to Child
- Sponsor Category

- Split the “Know Your Rights Presentation and Legal Screening” into two distinct fields to capture the completion date for each more accurately, acknowledging that they

typically are not completed on the same day.

- Add “Back-Up Case Manager” segment to Case Manager Information Section to designate an alternative Case Manager who may take actions on behalf of the primary Case Manager when they are unavailable. The corresponding fields mirror those for primary case manager and will either be system-generated or auto-populate with user account data already entered the system. The fields include:

- Back-up Case Manager Name
- Back-up Case Manager Email Address
- Back-up Case Manager Phone Number

- Back-up Case Manager Organization
- Assigned on (MM/DD/YYYY)

- Adjust the burden estimate to account for an increase in the number of care provider facilities, a decrease in the number of children placed in ORR care, as well as the addition of the above listed new segments and fields. The annual number of respondents increased from 216 to 300; the annual number of responses per respondent decreased from 278 to 217; and the average burden hours per response increased from 0.08 hours to 0.25 hours.

Respondents: ORR grantee and contractor staff.

Annual Burden Estimates:

Form	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Foster Care Travel Req. Form (S–14)	138	108	0.25	3,726
Admission (S–18)	300	217	0.33	21,483
UAC Authorized/Restricted Call List and Call Log (S–20)	300	217	0.08	5,208
Case Manager Call Log and Case Notes (S–23)	300	217	0.08	5,208
UAC Case Status (S–27)	300	217	0.25	16,275
Estimated Annual Burden Hours Total:				51,900

Authority: 6 U.S.C. 279; 8 U.S.C. 1232.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–07372 Filed 4–28–25; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Services for Unaccompanied Children With Disabilities (New Collection)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services is inviting public comment on the proposed collection. The request consists of one form that will allow the Unaccompanied Children (UC) Bureau

to provide services to unaccompanied children identified as having a disability.

DATES: *Comments due* May 29, 2025. The Office of Management and Budget (OMB) must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION: The ORR UC Bureau is proposing a new form, the *Individualized Section 504 Service Plan* (Form S–25). The proposed information collection is necessary to allow the ORR

UC Bureau to comply with a court order and improve service delivery for unaccompanied children identified as having a disability. On June 29, 2018, Plaintiffs filed their federal class action lawsuit in the Central District of California, western division, captioned *Lucas R. et al. v. Becerra et al.* (Case No. 2:18–CV–05741 DMG PLA), asserting claims under the Flores Consent Decree, the Trafficking Victims Protection Reauthorization Act, the Due Process clause, and the First Amendment. Plaintiffs allege violation of unaccompanied children rights in decisions regarding family reunification, placement in restrictive facilities, services for children with disabilities, administration of psychotropic medication, and access to legal assistance. On May 3, 2024, the Court granted final approval for the settlement agreements of the Plaintiffs’ claims for disabilities, psychotropic medication, and legal assistance. As part of the settlement agreement for the disabilities claim, ORR is required to develop and implement individualized Section 504 service plans for any child identified as having a disability. The disabilities settlement agreement must be fully implemented by May 3, 2025.

Respondents: Care provider grantees and contractors

ANNUAL BURDEN ESTIMATES

Form	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Individual Section 504 Service Plan (Form S-25)	300	7	3	6,300

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; 45 CFR 410; *Flores v. Reno* Settlement Agreement, No. CV85-4544-RJK (C.D. Cal. 1996); *Lucas R. et al v. Becerra et al* (Case No. 2:18-CV-05741 DMG PLA) Disabilities Settlement Agreement.

Mary C. Jones,
 ACF/OPRE Certifying Officer.
 [FR Doc. 2025-07371 Filed 4-28-25; 8:45 am]
 BILLING CODE 4184-45-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Request for Certification of Adult Victims of Human Trafficking

AGENCY: Office on Trafficking in Persons; Administration for Children and Families; U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF), Office on Trafficking in Persons (OTIP) is requesting a 3-year extension of the form: Request for Certification of Adult Victims of Human Trafficking (RFC) form (Office of Management and Budget (OMB) #: 0970-0454, expiration April 30, 2025).

DATES: *Comments due* May 29, 2025. OMB must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect

if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. All emailed requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The U.S. Department of Health and Human Services (HHS) provides letters of certification to victims of severe forms of trafficking in persons under the authority of the Trafficking Victims Protection Act (TVPA) of 2000, as amended 22 U.S.C. 7105(b)(1)(C) and (E). HHS delegated this authority to OTIP. Certification is required for adult victims of human trafficking in the U.S. to apply for federally funded benefits and services.

OTIP developed The Request for Certification of Adult Victims of Human Trafficking (RFC) form for potential victims and their advocates, including case managers, attorneys, law enforcement officers, service providers, and other representatives to provide the required information for certification to HHS in accordance with the TVPA of 2000, as amended.

Since the RFC form originally received clearance, OTIP modernized its request process and launched Shepherd, an online case management system, to process requests for certification and

assistance. The PDF version of the form should only be used in exceptional circumstances when the online case management system is inaccessible. If a requester encounters issues submitting a request through Shepherd, they may submit the RFC form to OTIP as a password protected PDF to Trafficking@acf.hhs.gov.

The form asks the requester for their identifying information, identifying information for the individual who experienced trafficking victimization in the event the form is submitted by a case manager, and information describing the victim’s case management service needs.

Respondents: Potential victims of a severe form of trafficking in persons and their advocates, including case managers, attorneys, law enforcement officers, service providers, and other representatives.

Annual Burden Estimates: The fluctuation in certification letters issued by HHS primarily reflects changing patterns in law enforcement investigations and the number of T visas and Continued Presence status issued by the Department of Homeland Security. Burden estimates have been calculated based on the average number of RFCs received and certification letters issued over the last two periods that the information collection has been in effect (fiscal year 2019 to 2024). Over the course of this time, OTIP has received approximately 8–12 RFCs per week (416–624 RFCs per year) and issued an average of 525 certification letters per year. The time to complete the RFC remains the same. Burden estimates for this collection have been revised, accordingly.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Request for Certification of Adult Victims of Human Trafficking	1,872	1	1	1,872	624

Authority: 22 U.S.C. 7105.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025-07374 Filed 4-28-25; 8:45 am]

BILLING CODE 4184-47-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; ACF-801: Child Care and Development Fund (CCDF) Quarterly Case-Level Report (Office of Management and Budget #0970-0167)

AGENCY: Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Care (OCC), Administration for Children and Families (ACF) is requesting a 3-year

extension of the form ACF-801: CCDF Quarterly Case-Level Report (OMB #0970-0167, expiration 4/30/2025). OCC proposes changes to the reporting requirements to combine race and ethnicity into a single category. OCC had previously proposed additional changes but has dropped those proposals to be responsive to public comment and limit administrative burden.

DATES: *Comments due* May 29, 2025. OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ACF-801 provides monthly case-level data on the children and families receiving direct child care services under CCDF. The ACF-801 case-level data are reported either monthly or quarterly. New instructions for reporting race and ethnicity will provide improved data quality and uniformity of information collected that is consistent with OMB guidance.

Respondents: State and Territory Lead Agencies.

Annual Burden Estimates

ACF has increased its burden estimate from the level contained in a prior **Federal Register** notice (dated November 5, 2024) to fully account for estimated administrative burden.

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual
ACF-801: CCDF Quarterly Case-Level Report	56	4	25	5,600

Authority: Section 658K of the Child Care and Development Block Grant Act (42 U.S.C. 9857 *et seq.*); regulations 45 CFR 98.70 and 98.71.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025-07373 Filed 4-28-25; 8:45 am]

BILLING CODE 4184-87-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #0970-0449]

Submission for Office of Management and Budget (OMB) Review; Low Income Home Energy Assistance Program (LIHEAP) Performance Data Form

AGENCY: Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Community Services (OCS) within the

U.S. Department of Health and Human Services (HHS) is requesting an extension without change to the current version of the Low Income Home Energy Assistance Program (LIHEAP) Performance Measures (OMB #0970-0449) for use through June 30, 2025, and for approval of a revised version to use beginning July 1, 2025.

DATES: *Comments due* May 29, 2025. OMB must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OCS administers LIHEAP at the federal level. The *LIHEAP Performance Data Form (LPDF)* is an annual report in response to Section 2610(b) of the Low-Income Home Energy Assistance Act of 1981 [42 U.S.C. 8629(b)] (LIHEAP statute), which requires the Secretary of HHS to submit, no later than June 30 of each federal fiscal year, a report to Congress on the impact of LIHEAP on recipient and eligible households for the prior federal fiscal year. The completeness, accuracy, consistency, and timeliness of responses to data collections are needed for HHS to do the following:

- Provide reliable and complete fiscal and household data to Congress in the Department’s *LIHEAP Report to Congress* for the federal fiscal year; and
- Respond to questions from the Congress, Department, OMB, White House, and other interested parties in a timely manner; and
- Report LIHEAP performance results as part of the Administration’s annual Congressional Justification.

In response to the 2010 Government Accountability Office (GAO) report, *Low Income Home Energy Assistance Program—Greater Fraud Prevention Controls are Needed* (GAO-10-621),

and in consideration of the recommendations issued by the LIHEAP Performance Measures Implementation Work Group, OCS required the collection and reporting of these performance measures by state LIHEAP grant recipients, including the District of Columbia. The original LDPF was approved by OMB in November 2014 and has been in use since. The LDPF provides for the collection of data on state grant recipients' sources and uses of LIHEAP funds, including average benefit amounts, as well as data for the following developmental LIHEAP performance measures:

1. The benefit targeting index for high burden households receiving LIHEAP fuel assistance;
2. The burden reduction targeting index for high burden households receiving LIHEAP fuel assistance;
3. The number of households where LIHEAP prevented a potential home energy crisis; and
4. The number of households where LIHEAP benefits restored home energy.

All state LIHEAP grant recipients, including the District of Columbia, are required to complete the LDPF on an annual basis through ACF's web-based data collection and reporting system, the Online Data Collection, which is available at the GrantSolutions homepage (<https://home.grantsolutions.gov/home>). The reporting requirements will be described through the LIHEAP Forms and Funding Applications page (<https://www.acf.hhs.gov/ocs/form/liheap-forms-and-funding-applications>) of ACF's website.

This request will (1) continue approval to collect information using the currently approved version of the

LDPF through June 30, 2025; and (2) incorporate changes to the LDPF designed to collect performance data on the impacts of supplemental federal LIHEAP funds and to improve form fields and language. The changes proposed would go into effect in July 2025 and consist of (1) changing the name of Module 1 of the form from "Grantee Survey" to "Grant Recipient Survey"; (2) adding an item for reporting carryover of Residential Energy Assistance Challenge (REACH) funds to the following FY; (3) adding an item for reporting non-administrative information technology enhancements; (4) removing maximum income cutoffs from funding uses; (5) replacement of sources and uses of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) [Pub. L. 116–136] funds and American Rescue Plan Act of 2021 (ARPA) [Pub. L. 117–2] funds with the Infrastructure Investment and Jobs Act (IIJA) [Pub. L. 117–58] funds; and (6) minor wording and structural changes.

Module 1. Grant Recipient Survey

Module 1 of the LDPF will continue to require the following data from each state for the federal fiscal year:

- Grant recipient information.
- Sources and uses of LIHEAP funds, by funding type.
- Average LIHEAP household benefits, by funding type.

Modules 2, 2A, and 2B. Required LIHEAP Performance Measures

Modules 2, 2A, and 2B of the LDPF will continue to require the following data from each state for the federal fiscal year:

- Grant recipient information;
- Energy burden targeting;

- Restoration of home energy service; and
- Prevention of loss of home energy. Modules 2, 2A, and 2B require reporting on households that received benefits from, respectively, non-supplemental funds, CARES Act funds, and ARPA funds.

Module 3. LIHEAP Performance Measures (Optional Reporting)

Module 3 of the LIHEAP LDPF will continue to voluntarily collect the following additional information from each interested grant recipient for the federal fiscal year:

- Average annual energy usage;
- Unduplicated number of households using supplemental heating fuel and air conditioning;
- Unduplicated number of households that had restoration of home energy service, and
- Unduplicated number of households that had prevention of loss of home energy.

LIHEAP grant recipients will be able to compare their own results to the results for other states, as well as to regional and national results, through the Data Warehouse of the LIHEAP Performance Management website as they manage their programs.

ACF published a **Federal Register** notice on December 2, 2024 soliciting 60 days of public comment on this request, including the minor revisions to go into effect in 2025. ACF received no comments on this notice.

Respondents: State governments, including the District of Columbia; the largest five electricity and natural gas vendors by state; the largest ten fuel oil and propane vendors by state; and the states' sub-recipients.

ANNUAL BURDEN ESTIMATES

LIHEAP performance data form	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
State Grant Recipients—Module I	51	1	30	1,530
State Grant Recipients—Modules II and III	51	1	158.6	8,088.6
Sub-Grant Recipients (in states with sub-grant recipient managed systems)—Modules II and III	100	1	6.3	630
Energy Vendors (largest 5 electric, 5 natural gas, 10 fuel oil, and 10 propane vendors per state-average)—Modules II and III	1,530	1	8.5	13,005

Estimated Total Annual Burden Hours: 23,253.6.

Authority: 42 U.S.C. 8629(b).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–07375 Filed 4–28–25; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[CMS-0034-N]

Notification Regarding the Use of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Administrative Simplification Standards Exceptions Process by the Health Level Seven (HL7) International Da Vinci Project (Da Vinci) and the Availability of the Da Vinci Report

AGENCY: Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice provides the public with information about the availability and location of the Health Level Seven (HL7) International Da Vinci Project (Da Vinci) Report, which includes test results from the use of alternative standards for Referral Certification and Authorization and Eligibility for Health Plan transactions approved under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) exceptions process.

FOR FURTHER INFORMATION CONTACT: Michael Cimmino (410) 786-6408.

SUPPLEMENTARY INFORMATION:

I. Background

Under 45 CFR 162.940, an organization may request an exception from the use of a HIPAA standard to test a proposed modification to that standard. The purpose of the exception is to test how the proposed modification would be a significant improvement to the current standard. In its request, the requestor must explain how the proposed exception would do all the following:

- Improve the efficiency and effectiveness of the health care system by leading to cost reductions for, or improvements in benefits from, electronic health care transactions.
- Meet the needs of the health data standards user community, particularly health care providers, health plans, and health care clearinghouses.
- Be uniform and consistent with the other standards adopted under 45 CFR part 162 (HIPAA Administrative Simplification) and, as appropriate, with other private and public sector health data standards.
- Have low additional development and implementation costs relative to the benefits of using the standard.
- Be supported by an ANSI-accredited SSO or other private or

public organization that would maintain the standard over time.

- Have timely development, testing, implementation, and updating procedures to achieve administrative simplification benefits faster.
- Be technologically independent of the computer platforms and transmission protocols used in electronic health transactions, unless they are explicitly part of the standard.
- Be precise, unambiguous, and as simple as possible.
- Result in minimum data collection and paperwork burdens on users.
- Incorporate flexibility to adapt more easily to changes in the health care infrastructure (such as new services, organizations, and provider types) and information technology.

Additional information about the exception request and approval process can be found at: <https://www.cms.gov/files/document/guidance-letter-exception-process.pdf>.

Inquiries regarding the exception request and approval process can be sent to: AdministrativeSimplificationException@cms.hhs.gov.

II. Exception Request

On March 10, 2021, Health Level Seven (HL7) International Da Vinci Project (Da Vinci) submitted a request for an exception from the requirements to use the HIPAA-adopted standards for referral certification and authorization (PA) transactions (X12N 278 Version 5010) and eligibility for a health plan (eligibility) transactions (X12N 270/271 Version 5010), at 45 CFR 162.1302(c) and 162.1202(c), respectively. Specifically, HL7 requested that the exception apply to Da Vinci member organizations designated as payers¹ and their trading partners to allow them to use the HL7 Fast Healthcare Interoperability Resources (FHIR) Prior Authorization Support (PAS) Implementation Guide (IG) in conjunction with the HL7 FHIR Coverage Requirements Discovery (CRD) IG to determine if prior authorization (PA) is required, and for performing Payer Side PA based on the FHIR standards. These alternative standards reference the use of the HL7 Documentation Templates and Rules (DTR) IG.

III. Evaluation of the Exception Request

In evaluating the request for the exception, we considered the following criteria, specified at 45 CFR 162.940(b): (1) whether the proposed modification represented a significant improvement

to the current standard; (2) the extent and length of time of the exception; (3) consultations with designated standards maintenance organizations (DSMOs).

We notified HL7 that its exception request was approved on April 20, 2021, and provided details on the conditions for the approved exception, as required under 45 CFR 162.940(c)(1). The HIPAA exception allowed for Da Vinci member organizations designated as payers and their trading partners to use alternative HL7 FHIR standards to support prior authorization and eligibility transactions (for the CRD IG) without enforcement actions until April 14, 2024. The permitted alternative HL7 FHIR standards were as follows:

- HL7 FHIR PAS IG.
- HL7 FHIR CRD IG to determine if PA is required, and for performing Payer Side PA based on the FHIR standards.

The exception permitted Da Vinci to use the HL7 FHIR Prior Authorization Support (PAS) Implementation Guide (IG) and the HL7 FHIR Coverage Requirements Discovery (CRD) IG to determine if PA is required, and for performing Payer Side PA based on the FHIR standards instead of the HIPAA-adopted standards for referral certification and authorization (prior authorization) transactions (X12N 278 Version 5010) and eligibility for a health plan (eligibility) transactions (X12N 270/271 Version 5010), as required by 45 CFR 162.1302(c) and 162.1202(c), respectively.

IV. Report of Results

An organization that receives an exception under 45 CFR 162.940 must submit to the National Standards Group (NSG) a report of its results, including a cost-benefit analysis, within 90 days after completing the test.² Our approval letter specified that a report of the test results must be submitted to us by July 14, 2024, which was provided on June 25, 2024. Our approval letter for the exception request and the Da Vinci test results report are available at: <https://confluence.hl7.org/display/DVP/Da+Vinci+HIPAA+Exception>.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office Management and Budget under the authority of the

¹ <https://confluence.hl7.org/display/DVP/Da+Vinci+Project+Members>.

² See <https://www.cms.gov/files/document/guidance-letter-exception-process.pdf>.

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2025-07386 Filed 4-25-25; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2025-0096]

National Offshore Safety Advisory Committee; Vacancy

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice; request for applications.

SUMMARY: The U.S. Coast Guard is re-soliciting applications from persons interested in membership on the National Offshore Safety Advisory Committee (Committee) to fill one vacant position representing entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska. The Committee advises the Secretary of the Department of Homeland Security on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the U.S. Coast Guard.

DATES: Complete applications must reach the Coast Guard on or before June 13, 2025.

ADDRESSES: Applications must include (a) a cover letter expressing interest in an appointment to the Committee and detailing their qualifications to serve as a representative in entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska, (b) a resume detailing the applicant's relevant experience for the position applied for, and (c) a brief 2-3 paragraph biography written in third-person perspective. Applications should be submitted via email with the subject line "Application for NOSAC" to Justin.P.Goff@uscg.mil.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Justin Goff, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee; Telephone (571) 610-0130; or email at Justin.P.Goff@uscg.mil.

SUPPLEMENTARY INFORMATION: On January 17, 2025, the U.S. Coast Guard published a request in the **Federal Register** (90 FR 5923) soliciting

applications for persons interested in membership on the National Offshore Safety Advisory Committee to represent entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska. The U.S. Coast Guard is re-soliciting applications for this representative position.

The National Offshore Safety Advisory Committee is a Federal advisory committee. The Committee operates under the provisions of the *Federal Advisory Committee Act*, 5 U.S.C. ch. 10 and 46 U.S.C. 15109.

The Committee was established on December 4, 2018, by section 601 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, Public Law 115-282, 132 Stat. 4192 and amended by section 8331 of the *Elijah E. Cummings Coast Guard Authorization Act of 2020*, Public Law 116 283, and is codified in 46 U.S.C. 15106.

The Committee will advise the Secretary of Homeland Security on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the U.S. Coast Guard.

The Committee is required to meet at least once a year in accordance with 46 U.S.C. 15109(a). We expect the Committee to meet at least twice a year, but it may meet more frequently. The meetings are generally held in cities that have high concentrations of maritime personnel and related marine industry businesses.

All members serve at their own expense and receive no salary or other compensation from the Federal Government.

Under the provisions in 46 U.S.C. 15109(f)(6), if you are appointed as a member of the Committee, your membership term will expire on December 31 of the third full year after the effective date of your appointment. The Secretary may require an individual to have passed an appropriate security background examination before appointment to the Committee, 46 U.S.C. 15109(f)(4).

In this re-solicitation for a Committee member, we will consider applications for one position representing entities engaged in offshore oil exploration and production on the Outer Continental Shelf adjacent to Alaska. The member who fills the position will be appointed to represent the interest as described above. As a representative, the member is expected to represent and speak on behalf of interests, views, or perspectives of a recognizable group of persons or class of stakeholders.

If you are appointed as a member of the Committee, you will be required to sign a Non-Disclosure Agreement and a Gratuitous Services Agreement.

If you are interested in applying to become a member of the Committee, email your complete application to Justin.P.Goff@uscg.mil as provided in the **ADDRESSES** section of this notice.

The U.S. Coast Guard will not consider incomplete or late applications.

Privacy Act Statement

Purpose: To obtain qualified applicants to fill one vacancy on the National Offshore Safety Advisory Committee. When you apply for appointment to the DHS' National Offshore Safety Advisory Committee, DHS collects your name, contact information, and any other personal information that you submit in conjunction with your application. DHS will use this information to evaluate your candidacy for Committee membership. If you are chosen to serve as a Committee member, your name will appear in publicly available Committee documents, membership lists, and Committee reports.

Authorities: 5 U.S.C. ch. 10; 46 U.S.C. 15106 and 15109; and Department of Homeland Security Delegation No. 00915.

Routine Uses: Authorized U.S. Coast Guard personnel will use this information to consider and obtain qualified candidates to serve on the Committee. Any external disclosures of information within this record will be made in accordance with DHS/ALL-009, Department of Homeland Security Advisory Committee (73 FR 57639, October 3, 2008).

Consequences of Failure to Provide Information: Furnishing this information is voluntary. However, failure to furnish the requested information may result in your application not being considered for the Committee.

Dated: April 15, 2025.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2025-07345 Filed 4-28-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****[Docket No. USCG–2025–0283]****Certificate of Alternative Compliance for the M/V LA BORINQUENA****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Chief of Prevention Division, Seventh District has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the M/V LA BORINQUENA (O.N. 1345507). We are issuing this notice because its publication is required by statute. Due to the construction and placement of the forward and aft masthead lights, M/V LA BORINQUENA cannot fully comply with the light provisions of the 72 COLREGS without interfering with the vessel's design and construction. This notification of the issuance of these certificates of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificate of Alternative Compliance for the M/V LA BORINQUENA was issued on April 21, 2025.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email Lieutenant Katherine Yoho, Seventh District Inspections and Investigations Division, U.S. Coast Guard; telephone 305–415–7149, email Katherine.B.Yoho@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.¹

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a

determination that compliance with alternative requirements is justified,² and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.³ If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.⁴

The Chief of Prevention Division, Seventh District, U.S. Coast Guard, certifies that the M/V LA BORINQUENA (O.N. 1345507) is a vessel of special construction or purpose, and that, with respect to the positions of the forward and aft masthead lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel's car deck. The Chief of Prevention Division, Seventh District, U.S. Coast Guard, further finds and certifies that the lights are configured in closest possible compliance with the applicable provisions of the 72 COLREGS.⁵

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: April 21, 2025.

Erick M. Neussl,

Commander, U.S. Coast Guard, Acting Chief, Prevention Division, Seventh Coast Guard District.

[FR Doc. 2025–07331 Filed 4–28–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Transportation Security Administration****[Docket No. TSA–2006–24191]****Extension of Agency Information Collection Activity Under OMB Review: Transportation Worker Identification Credential (TWIC®) Program****AGENCY:** Transportation Security Administration, DHS.**ACTION:** 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0047,

² 33 CFR 81.5.

³ 33 CFR 81.9.

⁴ 33 U.S.C. 1605(c) and 33 CFR 81.18.

⁵ 33 U.S.C. 1605(a); 33 CFR 81.9.

abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of biographic and biometric information that TSA uses to verify identity and conduct a security threat assessment (STA) for the TWIC® Program, and a customer satisfaction survey.

DATES: Send your comments by May 29, 2025. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://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: Christina A. Walsh, TSA PRA Officer, Information Technology, TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011; telephone (571) 227–2062; email TSAPRA@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on December 12, 2024, 89 FR 100518. TSA did not receive any comments on the notice.

Comments Invited

In accordance with 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 valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

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

(2) Evaluate the accuracy of the agency's estimate of the burden;

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

¹ 33 U.S.C. 1605.

(4) 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.

Information Collection Requirement

Title: Transportation Worker Identification Credential (TWIC®) Program.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652-0047.

Forms(s): TWIC® Disclosure and Certification Form, TWIC® Pre-Enrollment Application, TWIC® Enrollment Application, TWIC® Card Replacement Request, and TWIC® Customer Satisfaction Survey.

Affected Public: Individuals seeking or requiring unescorted access to secure areas within the TSA's national and transportation security mission or facilities and vessels regulated under the Maritime Transportation Security Act of 2002 (Pub. L. 107-295 (Nov. 25, 2002; sec. 102), other authorized individuals in the field of transportation, and all mariners holding U.S. Coast Guard-issued credentials or qualification documents.

Abstract: The data collected will be used for processing TWIC enrollments as well as to allow expanded enrollment options for additional comparability or eligibility determinations for other programs, such as the Hazardous Materials Endorsement Threat Assessment Program. Individuals in the field of transportation who are authorized to apply for a TWIC for use as part of other government programs, may apply for a TWIC and undergo the associated STA. The data is used to conduct a comprehensive STA that includes: (1) a criminal history records check; (2) a check of intelligence databases; and (3) an immigration status check. TSA may also use the information to determine a TWIC holder's eligibility to participate in TSA's expedited screening program for air travel, the TSA PreCheck® Application Program. Active (unexpired) TWIC holders who meet the eligibility requirements for TSA PreCheck may use their TWIC card's Credential Identification Number in the appropriate known traveler number field of an airline reservation to obtain expedited screening eligibility.

At the enrollment center, applicants verify their biographic information and provide identity documentation, biometric information, and proof of immigration status (if required). This information allows TSA to complete the

STA. During enrollment, TSA collects from applicants a \$124.00 fee for standard enrollment. If TSA determines that the applicant is eligible to receive a TWIC as a result of the STA, TSA issues and sends an activated TWIC card to the address provided by the applicant or notifies the applicant that their TWIC is ready for pick up and activation at an enrollment center. Once activated, this credential can be used for facility and vessel access control requirements to include card authentication, card validation, and identity verification. In the event of a lost, damaged or stolen credential, the cardholder must notify TSA immediately and may request a replacement card online, via telephone, or from an enrollment center for a \$60.00 fee.

TSA has identified several situations where an individual may be charged a reduced fee. First, if TSA determines an individual has already completed a comparable STA through other governmental agencies, such as the TSA Hazardous Materials Endorsement program and U.S. Customs and Border Protection Free and Secure Trade Program, the individual is eligible for a reduced fee of \$93.00.

Second, under section 809 of the United States Coast Guard Authorization Act of 2010, certain Merchant Mariners are not required to obtain a credential when they apply for their TWIC STA. If a mariner opts to not receive a TWIC card, TSA may reduce the TWIC fee to reflect only the enrollment and vetting segments of the fee, resulting in a fee reduction of \$25.75.

Third, TWIC applicants who previously maintained an active TWIC STA may be eligible to renew online. Approximately 60 percent of active TWIC cardholders enroll for a new TWIC after their STA expires 5 years from the date of issuance. Online TWIC renewals reduce the applicant cost and hour burden by permitting eligible applicants to obtain a new TWIC without enrolling in-person at a TSA enrollment center. Additionally, TSA mitigates certain security risks associated with online renewals by enrolling current TWIC cardholders in recurrent vetting services, such as the Federal Bureau of Investigation's Rap Back Service. The renewal fee for TWIC online renewals is \$116.00 compared to the in person renewal fee of \$124.00.

TSA invites all TWIC applicants to complete an optional survey to gather information on the applicants' overall customer satisfaction with the enrollment process. This optional survey is administered following the

enrollment process, including the new online renewals, and the process to activate the TWIC, where applicable. The results from these surveys are compiled to produce reports that are reviewed by the enrollment services provider and TSA.

Number of Annual Respondents: 705,038.¹

Estimated Annual Burden Hours: An estimated 510,471 hours annually.

Estimated Annual Cost: \$78,706,109.

Dated: April 23, 2025.

Christina A. Walsh,

*Paperwork Reduction Act Officer,
Information Technology Transportation
Security Administration.*

[FR Doc. 2025-07321 Filed 4-28-25; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7102-N-02; OMB Control No.: 2510-0006]

60-Day Notice of Proposed Information Collection: Legal Instructions Concerning Applications for Full Insurance Benefits—Assignment of Multifamily and Healthcare Mortgages to the Secretary

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: June 30, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to www.regulations.gov. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to:

¹ The burdens listed here are different from what was listed in the 60-Day Notice. TSA modified the estimates to include the reduction of the Federal Bureau Investigation Criminal History Records Check fee effective January 1, 2025, in new and renewal enrollments.

Nacheshia Foxx, Senior Clearance Officer, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410-0500.

FOR FURTHER INFORMATION CONTACT: Laura Scott, Deputy Assistant General Counsel for Office of Insured Housing, Multifamily Mortgage Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10172, Washington, DC 20410-0500, telephone (202) 402-6582. This is not a toll free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>. Copies of available documents submitted to OMB may be obtained from Ms. Foxx.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the

information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Legal Instructions Concerning Applications for Full Insurance Benefits—Assignment of Multifamily and Healthcare Mortgages to the Secretary (the “Legal Instructions”).

OMB Approval Number: 2510-0006.
Type of Request: Extension of a currently approved collection.

Form Number: HUD form 2510.
Description of the need for the information and proposed use: Mortgagees of FHA-insured mortgages may receive mortgage insurance benefits upon assignment of mortgages to the Secretary. In connection with the assignment, legal documents (e.g., mortgage, mortgage note, security agreement, title insurance policy) must be submitted to HUD. The instructions contained in the Legal Instructions describe the documents to be submitted and the procedures for submission.

The Legal Instructions, in its current form and structure, can be found at <https://www.hud.gov/stat/ogc-legal-instructions-full-insurance-benefits>.

HUD proposes to revise this document with clarifying changes and updates to reflect current HUD requirements and policies, including requiring electronic submission for legal review, as well as current practices in real estate, title insurance, hazard insurance and mortgage financing transactions. Requiring electronic submission reflects the current practices and preferences of respondents. Since HUD began accepting electronic submission, HUD has not received any physical submissions from respondents.

In addition, sample documents reflecting existing HUD requirements and policies are being provided to assist with compliance with the Legal Instructions.

Agency form numbers, if applicable: HUD form 2510.

Members of affected public: FHA-approved Mortgagees and their counsel who have or will have multifamily rental or healthcare loans.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Number of respondents	Burden hours	Frequency of response	Total burden hours
24 *	26.5	1	636

* This is the estimated number of respondents that could file a claim in a given year.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected;

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., requiring electronic submission of responses or revising the physical documentation requirements for electronically filed or issued response; and

(5) Whether any updates may be made to replace the existing formal legal language with plain language in the

sample assignment documents of the proposed collection of information.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

12 U.S.C. 1701z-1 Research and Demonstrations.

Amanda Wahlig,

Acting Associate General Counsel for Legislation & Regulations.

[FR Doc. 2025-07370 Filed 4-28-25; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-39738; PPWOCRADP2, PCU00RP14.R50000]

National Historic Landmarks Committee of the National Park System Advisory Board Meeting

AGENCY: National Park Service.

ACTION: Meeting notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Historic Landmarks Committee (Committee) of the National Park System Advisory Board (Board) will meet as indicated below.

DATES: The meeting will be held on Thursday, May 22, 2025, from 11 a.m. to 4 p.m. (EASTERN).

ADDRESSES: The meeting will be held virtually at the date and time noted above and instructions and access information will be provided online at <https://www.nps.gov/subjects/nationalhistoriclandmarks/nhl-committee-meetings.htm>. Please check the program website at <https://www.nps.gov/subjects/nationalhistoriclandmarks/index.htm> for the most current meeting information.

FOR FURTHER INFORMATION CONTACT: Dr. Lisa Davidson, Program Manager, National Historic Landmarks Program, National Park Service, 1849 C Street NW, Mail Stop 2013, Washington, DC 20240, 202-354-2179, or email Lisa.Davidson@nps.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech

disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The purpose of the meeting of the Committee is to evaluate nominations of historic properties in order to advise the Board of the qualifications of each property being proposed for National Historic Landmark designation, and to make recommendations regarding the possible designation of those properties as National Historic Landmarks to the Board at a future meeting. The Committee also makes recommendations to the Board regarding amendments to existing designations and proposals for withdrawal of designation. The members of the Committee are:

Dr. Lindsay Robertson, Chair
 Dr. David G. Anderson
 Dr. Ethan Carr
 Dr. Julio Cesar Capó
 Dr. Cynthia G. Falk
 Dr. Victor Galan
 Dr. Richard Longstreth
 Dr. Alexandra M. Lord
 Dr. Vergil E. Noble
 Mr. Adam Smith
 Dr. Sharita Jacobs Thompson
 Dr. Carroll Van West
 Dr. Richard Guy Wilson

Request for Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

The meeting will be open to the public. Pursuant to 36 CFR part 65, any member of the public may file, for consideration by the Committee, written comments concerning the National Historic Landmark nominations, amendments to existing designations, or proposals for withdrawal of designation.

Comments should be submitted to Sherry A. Frear, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street NW, Mail Stop 2013, Washington, DC 20240, or email to nhl_info@nps.gov. All comments received will be provided to the Committee and the Board.

Purpose of the Meeting: The Board and its Committee may consider the following nominations:

Kansas
 QUINDARO TOWNSITE, Kansas City, KS
 New Mexico
 COUSE, EANGER IRVING, HOUSE AND STUDIO AND JOSEPH HENRY SHARP STUDIOS, Taos, NM

Proposed Amendments to Existing Designations:

Arizona
 TALIESIN WEST (Updated Documentation, Boundary Change), Scottsdale, AZ
 California
 BODIE HISTORIC DISTRICT (Updated Documentation, Boundary Change), Bridgeport vic., Mono County, CA
 Michigan
 FAIR LANE (HENRY FORD ESTATE) (Updated Documentation), Dearborn, MI
 Minnesota
 FORT SNELLING (Updated Documentation, Boundary Change), St. Paul vic., Dakota, Hennepin, and Ramsey Counties, MN

Public Disclosure of Comments: 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.

Authority: 36 CFR 65.5.

Alma Ripps,
 Chief, Office of Policy.

[FR Doc. 2025-07359 Filed 4-28-25; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM-2025-0020]

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: List of restricted joint bidders.

SUMMARY: Pursuant to the Energy Policy and Conservation Act of 1975 and the Bureau of Ocean Energy Management's (BOEM) regulatory restrictions on joint

bidding, BOEM is publishing this list of restricted joint bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other groups listed below at Outer Continental Shelf oil and gas lease sales held during the bidding period of May 1, 2025, through October 31, 2025.

DATES: This list of restricted joint bidders covers the bidding period of May 1, 2025, through October 31, 2025, and succeeds all prior published lists.

SUPPLEMENTARY INFORMATION:

Group I

BP America Production Company
 BP Exploration & Production Inc.

Group II

Chevron Corporation
 Chevron U.S.A. Inc.
 Chevron Midcontinent, L.P.
 Unocal Corporation
 Union Oil Company of California
 Pure Partners, L.P.

Group III

Eni Petroleum Co. Inc.
 Eni Petroleum US LLC
 Eni Oil US LLC
 Eni Marketing Inc.
 Eni BB Petroleum Inc.
 Eni US Operating Co. Inc.
 Eni BB Pipeline LLC

Group IV

Equinor ASA
 Equinor Gulf of Mexico LLC
 Equinor USA E&P Inc.

Group V

Exxon Mobil Corporation
 ExxonMobil Exploration Company

Group VI

Shell Oil Company
 Shell Offshore Inc.
 SWEPI LP
 Shell Frontier Oil & Gas Inc.
 SOI Finance Inc.
 Shell Gulf of Mexico Inc.

Group VII

Total E&P USA, Inc.

Even if an entity does not appear on the above list, BOEM may disqualify and reject certain joint or single bids submitted by an entity if that entity is chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and natural gas liquids. See 30 CFR 556.512.

(Authority: 42 U.S.C. 6213; and 30 CFR 556.511–556.515.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2025–07326 Filed 4–28–25; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1380]

Certain Video Capable Electronic Devices, Including Computers, Streaming Devices, Televisions, and Components and Modules Thereof; Notice of a Commission Determination To Grant a Joint Motion To Terminate the Investigation in Its Entirety Based on Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to grant a joint motion to terminate the investigation in its entirety based on settlement. The investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT:

Robert J. Needham, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the above-captioned investigation on December 6, 2023, based on a complaint filed by complainants Nokia Technologies Oy and Nokia Corporation, both of Espoo, Finland (“Nokia”). 88 FR 84830–31 (Dec. 6, 2023). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video capable electronic devices,

including computers, streaming devices, televisions, and components and modules thereof by reason of the infringement of claims 6–9, 11, 15, 21, and 23 of U.S. Patent No. 7,724,818 (“the ‘818 patent”); claims 1–30 of U.S. Patent Nos. 10,536,714 (“the ‘714 patent”); claims 1–36 of U.S. Patent No. 11,805,267 (“the ‘267 patent”); claims 1, 5, 6, 8–13, 17, 18, 20–24, 26, 29–33, 35, and 38 of U.S. Patent No. 8,077,991 (“the ‘991 patent”); and claims 8–11 of U.S. Patent No. 8,050,321 (“the ‘321 patent”). *Id.* at 84830. The complaint further alleges that an industry in the United States exists. *Id.* The notice of investigation names as respondents HP, Inc. of Palo Alto, California (“HP”), and Amazon.com, Inc. and Amazon.com Services LLC, both of Seattle, Washington (“Amazon”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in the investigation for the purposes of the public interest only. *Id.* at 84831.

The Commission terminated the investigation based on a partial withdrawal of the complaint with respect to claims 7, 11, 21, and 23 of the ‘818 patent; claims 1–22, and 24–30 of the ‘714 patent; claims 1–24, and 28–36 of the ‘267 patent; claims 1, 5–6, 8–9, 10–13, 17, 18, 20–21, 23–24, 26, 30, 32, 33, and 35 of the ‘991 patent; and claims 9 and 11 of the ‘321 patent. Order No. 19 (Feb. 14, 2024), *unreviewed by* Comm’n Notice (Mar. 8, 2024) (terminating the investigation with respect to claim 23 of the ‘818 patent); Order No. 42 (Sept. 3, 2024), *unreviewed by* Comm’n Notice (Sept. 17, 2024) (terminating the investigation with respect to claims 11 and 21 of the ‘818 patent; claims 1–14, 16–22, and 24–30 of the ‘714 patent; claims 1–6, 10–24, and 28–36 of the ‘267 patent; claims 1, 5–6, 8–9, 10–13, 17, 18, 20–21, 23–24, 26, 30, 32, 33, and 35 of the ‘991 patent and claims 9 and 11 of the ‘321 patent); Order No. 46 (Sept. 17, 2024), *unreviewed by* Comm’n Notice (Oct. 1, 2024) (terminating the investigation with respect to claim 7 of the ‘818 patent); Order No. 48 (Nov. 25, 2024), *unreviewed by* Comm’n Notice (Dec. 10, 2024) (terminating the investigation with respect to claim 15 of the ‘714 patent and claims 7–9 of the ‘267 patent). Accordingly, at the time of the Final ID, the asserted claims consisted of: claims 6, 8, 9 and 15 of the ‘818 patent; claims 8 and 10 of the ‘321 patent; claims 22, 29, 31, and 38 of the ‘991 patent; claims 15 and 23 of the ‘714 patent; and claims 7–9 and 25–27 of the ‘267 patent. Final ID at 6.

On August 12, 2024, the ALJ granted summary determination that Nokia failed to establish the economic prong of

the domestic industry requirement under subsection 337(a)(3)(C) by failing to present evidence of a nexus between its investments and the domestic industry articles. Order No. 41 (Aug. 12, 2024). The Commission declined to review that ID. Comm’n Notice (Sept. 10, 2024).

The ALJ held an evidentiary hearing from September 9–13, 2024. Subsequently, the Commission terminated the investigation with respect to HP based on a settlement agreement. Order No. 49 (Nov. 27, 2024), *unreviewed by* Comm’n Notice (Dec. 10, 2024). Accordingly, at the time of the Final ID, only Amazon remained in the investigation as a respondent.

On December 20, 2024, the ALJ issued the Final ID finding a violation of section 337 by Amazon with respect to four patents—the ‘818, ‘321, ‘714, and ‘267 patents—and no violation with respect to the ‘991 patent. Final ID at 175. The Commission determined to review the Final ID in its entirety. 90 FR 11183–86 (Mar. 4, 2025).

On April 8, 2025, Nokia and Amazon moved, pursuant to 19 CFR 210.21(b), to terminate the investigation based on settlement. The motion contains attached settlement agreements (including a public version) and indicates that there are no other agreements between the parties regarding the subject matter of the investigation. On April 11, 2025, OUII responded to the motion by arguing that the public version of the settlement agreements are over-redacted, but that the motion should be granted if Nokia and Amazon provide a version of the settlement agreements with fewer redactions. On April 16, 2025, the Nokia and Amazon provided a new public version with fewer redactions.

Upon review of the parties’ submission, the Commission has determined to grant the joint motion and terminate Amazon from the investigation. As Amazon is the last remaining respondent group, the investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on April 23, 2025.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 23, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-07323 Filed 4-28-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and Formerly Utilized Sites Remedial Action Program

On April 23, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Missouri in the lawsuit entitled *United States v. Jarboe Realty & Investment, Co.*, Civil Action No. 25-cv-565.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Formerly Utilized Sites Remedial Action Program (FUSRAP) for response costs incurred, and to be incurred, by the United States Army Corps of Engineers (the Corps) and Department of Energy for their work removing contamination from uranium ore or residue processing materials at certain portions of the North St. Louis County Superfund Site in Missouri. Under the proposed Consent Decree, Jarboe Realty & Investment Co. (Jarboe Realty) will pay \$769,722.00 in past and future response costs associated with the above activities. Jarboe Realty also agrees to provide the Corps with access to its property and to cooperate with the Corps' efforts to secure and ensure compliance with any necessary institutional controls at the property. In return, the proposed Consent Decree provides Jarboe Realty with a covenant not to sue or take administrative action under Section 107(a) of CERCLA for any costs associated with the above activities at the North St. Louis County Superfund Site, as well as contribution protection under Section 113(f)(2) of CERCLA.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Jarboe Realty & Investment Co.*, D.J. Ref. No. 90-11-2-08259/4. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Kathryn C. Macdonald,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2025-07322 Filed 4-28-25; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1105-0080]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title: Annuity Broker Declaration Form

AGENCY: Civil Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Civil Division, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 27, 2025.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Caitlin Palacios, Torts Branch, Civil Division, United States Department of Justice, P.O. Box 7146, Ben Franklin Station, Washington, DC 20044, (202) 307-1404, caitlin.s.palacios@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Abstract: This declaration is to be submitted to determine whether a broker meets the minimum qualifications to be listed as an annuity broker pursuant to Section 11015(b) of Public Law 107-273.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.
2. *The Title of the Form/Collection:* Annuity Broker Declaration Form.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* OMB #1105-0080.
4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Primary: Individuals.
5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 300 respondents will complete the form annually within approximately 1 hour.
6. *An estimate of the total annual burden (in hours) associated with the collection:* 300 annual burden hours.
7. *An estimate of the total annual cost burden associated with the collection, if applicable:*

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hour)	Total annual burden (hours)
Annuity Broker Declaration Form	300	Annually	300	1	300
Unduplicated Totals	300	.....	300	.....	300

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W-218, Washington, DC.

Dated: April 23, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025-07318 Filed 4-28-25; 8:45 am]

BILLING CODE 4410-12-P

DEPARTMENT OF JUSTICE

[Docket No. OAG192]

Granting of Relief; Federal Firearms Privileges

AGENCY: Department of Justice.

ACTION: Notice of granting of restoration of Federal firearms privileges.

SUMMARY: The Attorney General has granted relief from disabilities imposed by Federal laws with respect to certain individuals regarding the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

SUPPLEMENTARY INFORMATION: The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. Section 922(g) of the GCA prohibits certain persons from shipping or transporting “in interstate or foreign commerce, or possess[ing] in or affecting commerce, any firearm or ammunition; or to receiv[ing] any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” Section 925(c) of the GCA provides that a person who is prohibited under section 922(g) may make application to the Attorney General to remove the firearms disabilities “if it is established to [the Attorney General’s] . . . satisfaction that the circumstances regarding the disability, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not

be contrary to the public interest.” Section 925(c) also provides that “[w]henver the Attorney General grants relief to any person pursuant to this section [s]he shall promptly publish in the **Federal Register** notice of such action, together with the reasons therefor.”

The Attorney General has reviewed all the relevant facts for each individual listed below, including the materials that each individual submitted seeking either a pardon or relief from federal firearms disabilities, and it is established to her satisfaction that each individual will not be likely to act in a manner dangerous to public safety and that the granting of the relief to each individual would not be contrary to the public interest. Accordingly, on March 31, 2025, the Attorney General granted relief from federal firearms disabilities to these individuals pursuant to section 925(c):

- Judy Broach
- Danny Preston Conrad
- Timothy Lyn Dunham
- Mel Gibson
- Jessica Lynn Jacobson
- Joseph Klecko
- Wayne L. Mertz
- Charles E. Moehring, Jr.
- Patrick Lynn Morgan
- Ronald Joseph Willkomm

Dated: April 18, 2025.

Todd Blanche,

Deputy Attorney General.

[FR Doc. 2025-07317 Filed 4-28-25; 8:45 am]

BILLING CODE 4410-BB-P

NATIONAL SCIENCE FOUNDATION

Request for Information on the Development of a 2025 National Artificial Intelligence (AI) Research and Development (R&D) Strategic Plan

AGENCY: Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation.

ACTION: Request for Information.

SUMMARY: On behalf of the Office of Science and Technology Policy (OSTP), the Networking and Information Technology Research and Development

(NITRD) National Coordination Office (NCO) welcomes input from all interested parties on how the previous administration’s National Artificial Intelligence Research and Development Strategic Plan (2023 Update) can be rewritten so that the United States can secure its position as the unrivaled world leader in artificial intelligence by performing R&D to accelerate AI-driven innovation, enhance U.S. economic and national security, promote human flourishing, and maintain the United States’ dominance in AI while focusing on the Federal government’s unique role in AI research and development (R&D) over the next 3 to 5 years. Through this Request for Information (RFI), the NITRD NCO encourages the contribution of ideas from the public, including AI researchers, industry leaders, and other stakeholders directly engaged in or affected by AI R&D. Responses previously submitted to the RFI on the Development of an AI Action Plan will also be considered in updating the National AI R&D Strategic Plan.

DATES: Interested persons are invited to submit comments on or before 11:59 p.m. (ET) on May 29, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. NSF-2025-OGC-0001, at <https://www.regulations.gov>. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov).

Email: Docket ID No. NSF-2025-OGC-0001.

Instructions: Response to this RFI is voluntary. Each individual or institution is requested to submit only one response. Submissions should ideally be 2 pages but not exceed 10 pages in 12 point or larger font, with a page number provided on each page. Responses must include the name of the person(s) or organization(s) filing the comment and the following statement: “This document is approved for public dissemination. The document contains no business-proprietary or confidential information. Document contents may be reused by the government in developing the 2025 National AI R&D Strategic Plan and associated documents without

attribution.” Responses to this RFI are subject to release under the Freedom of Information Act and may be posted online at <https://www.nitrd.gov/>. Therefore, we request that no business proprietary information, copyrighted information, or sensitive personally identifiable information be submitted as part of your response to this RFI.

In accordance with FAR 15.202(3), responses to this notice are not offers and cannot be accepted by the Government to form a binding contract. Responders are solely responsible for all expenses associated with responding to this RFI.

FOR FURTHER INFORMATION CONTACT:

Faisal D’Souza at ostp-ai-rd-sp-rfi@nitrd.gov or (202) 459-9674. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday, except for U.S. Federal Government holidays.

SUPPLEMENTARY INFORMATION: The Federal government plays a critical role in supporting AI R&D in areas where private sector investment is insufficient or where national interests require government leadership. Many foundational breakthroughs in AI, such as neural networks and reinforcement learning, originated from government-funded research before becoming commercially viable. Industry tends to focus on near-term applications that promise immediate returns, while critical areas such as AI for national security, public infrastructure resilience, and scientific discovery often require long-term investment with uncertain commercial payoffs. By prioritizing areas of foundational research, the government plays a vital role in maintaining America’s technological leadership and ensuring that AI development serves broad public interests rather than being driven solely by near-term market forces.

On January 23, 2025, President Trump signed Executive Order 14179 (Removing Barriers to American Leadership in Artificial Intelligence) to establish U.S. policy for sustaining and enhancing America’s AI dominance in order to promote human flourishing, economic competitiveness, and national security. This Order directs the development of an AI Action Plan to advance America’s AI leadership, in a process led by the Assistant to the President for Science and Technology, the White House AI and Crypto Czar, and the National Security Advisor. The 2025 National AI R&D Strategic Plan will be aligned with the AI Action Plan.

The 2025 National AI R&D Strategic Plan will identify the Federal strategic priorities for AI research and development, with particular attention on areas that industry is unlikely to address. These areas might need prioritization by government because they serve national interests but may not provide immediate commercial returns, making them less attractive for private-sector funding. Respondents to this RFI are encouraged to articulate research needs and development challenges in AI that the Federal government should prioritize over the next 3 to 5 years, along with ideas for novel mechanisms for research partnerships with industry and/or academia.

Examples of areas in which Federal AI R&D investments could be prioritized may include, but are not limited to: fundamental advances in AI algorithms, architectures, mathematical foundations and computing paradigms that may not have immediate commercial applications, aiming at maintaining U.S. AI leadership into the future; high-risk, high-reward AI research relevant for domains critical to future U.S. competitiveness, including human-AI interaction; research on next-generation AI hardware and architectures beyond deep learning; AI research for accelerating fundamental scientific discovery and technological breakthroughs in areas where private-sector investment is insufficient; advances in AI systems capable of reasoning, adaptability, and robustness in dynamic environments; research into AI standards, security and reliability; AI research for national security and critical infrastructure; advances in agentic and physically embodied AI with strategic competitiveness implications; infrastructure support for the AI research and development community; advances in AI applications in cybersecurity and cyberspace operations beyond those of commercial use; advances in AI for public sector and government applications; and research on AI systems and education supporting American workers and improving workforce productivity. Many other research areas could also be relevant.

Public input in response to this RFI, as well as responses previously submitted to the RFI on the Development of an AI Action Plan (90 FR 9088), will inform OSTP and NITRD NCO in developing the 2025 National Artificial Intelligence Research and Development Strategic Plan to reflect the Administration’s commitment to fostering an environment where AI can thrive as a driver of economic growth,

technological advancement, human flourishing, and national security.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on April 24, 2025.

(Authority: 42 U.S.C. 1861, *et seq.*)

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2025-07332 Filed 4-28-25; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m. ET, May 20, 2025.

PLACE: NTSB Conference Center, 429 L’Enfant Plaza SW, Washington, DC 20594.

STATUS: The *one* item is open to the public.

MATTER TO BE CONSIDERED:

74011 *Highway Investigation Report—Collision of Motorcoach with Combination Vehicles Parked Along Exit Ramp to I-70 Rest Area, Highland, IL, July 12, 2023*

CONTACT PERSON FOR MORE INFORMATION:

Candi Bing at (202) 590-8384 or by email at bingc@ntsb.gov.

Media Information Contact: Sara Sulick by email at sara.sulick@ntsb.gov or at (202) 314-6100.

The public may view it through a live or archived webcast by accessing a link under “Upcoming Events” on the NTSB home page at www.ntsb.gov.

Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: April 25, 2025.

LaSean R. McCray,

Alternate Federal Register Liaison Officer.

[FR Doc. 2025-07444 Filed 4-25-25; 11:15 am]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS)

2025 Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted by the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS) pursuant to the Federal Advisory Committee Act (FACA). These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACRS is a statutory advisory Committee established by Congress to review and report on nuclear safety matters and applications for the licensing of nuclear facilities. The Committee's reports become a part of the public record.

The ACRS meetings are conducted in accordance with FACA as described below for Full Committee and Subcommittee meetings; they are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. A means for the public to access the meetings virtually will be provided as described below. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those related to radiological safety.

The ACRS meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process.

General Rules Regarding ACRS Full Committee Meetings

An agenda will be published in the **Federal Register** and on the NRC and ACRS public websites for each Full Committee meeting. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in their judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day on another day of the same meeting. Persons planning to attend the meeting may contact the Designated Federal Officer (DFO) specified in the **Federal Register** notice prior to the meeting to

be advised of any changes to the agenda that may have occurred.

The following requirements shall apply to public participation in ACRS Full Committee meetings:

(a) Persons who wish to submit comments for the record regarding the agenda items may do so by sending via email to the DFO or by transmitting a readily reproducible copy addressed to the DFO specified in the **Federal Register** notice, care of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Email is preferred. Comments should be limited to items being considered by the Committee. In order to ensure that the comments can be considered by the Committee prior to the meeting, the comments should be submitted to the DFO 5 days prior to the meeting to allow time for reproduction and distribution.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the DFO; if possible, the request should be made 5 days before the meeting, identifying the topic(s) on which oral statements will be made and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the DFO.

(d) Audio and visual recordings of the meeting will be permitted at the discretion of the Chairman and in accordance with NRC procedures and policies, and subject to the condition that recording will not interfere with the conduct of the meeting. The DFO must be notified at least 5 working days prior to the meeting and will authorize the recording of the meeting after consultation with the Chairman. The recording will be restricted as necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Recordings will be permitted only during those portions of the meeting that are open to the public.

(e) A transcript will be kept for certain open portions of the meeting and will be available on the NRC and ACRS public websites and in the NRC Public Document Room (PDR), One White Flint North, Room O-1F21, 11555 Rockville Pike, Rockville, Maryland 20852-2738. ACRS meeting agendas, transcripts,

letter reports, and certified minutes are available (1) on the ACRS public website, (2) at pdr@nrc.gov, or by calling the PDR at 1-800-397-4209, or (3) from Agencywide Documents Access and Management System (ADAMS) which is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/ACRS/agenda/>.

(f) Virtual attendance opportunities will be made available to public attendees for observing open sessions of ACRS meetings. The relevant information will be included in the agenda on the NRC and ACRS public websites and may be obtained from the cognizant DFO.

ACRS Subcommittee Meetings

Subcommittee meetings are held to conduct preparatory activities and work that will be the subject of deliberations at a Full Committee meeting. In accordance with FACA, the agency is not required to apply the FACA requirements to meetings conducted by the Subcommittees of the NRC Advisory Committees if the Subcommittee's recommendations would be independently reviewed by its parent Committee (which is always the case). Advice provided to the Commission by the ACRS will only be approved in a Full Committee meeting.

In an effort to maintain transparency of Subcommittee activities, the ACRS has chosen to conduct its Subcommittee meetings in accordance with the procedures noted above for ACRS Full Committee meetings, as appropriate and with the exception noted below, to facilitate public participation, and to provide a forum for stakeholders to express their views on regulatory matters being considered by the ACRS. One specific exception is that for Subcommittee meetings, rather than publish an agenda in the **Federal Register** 15 calendar days prior to the meeting, the ACRS will publish agendas of Subcommittee meetings on the NRC and ACRS public meeting websites 10 calendar days prior to the meeting. The NRC and ACRS public meeting websites may be found at www.nrc.gov/pmns/mtg and www.nrc.gov/reading-rm/doc-collections/acrs/agenda. Using the procedures mentioned above for Full Committee meetings, members of the public who desire to provide written or oral input to the Subcommittee may do so by contacting the DFO.

Special Provisions for Closing ACRS Meetings

Under 5 U.S.C. 552b, portions of ACRS meetings may be closed to the

public for the purpose of discussing matters involving classified, proprietary, personnel, or otherwise sensitive information. When a portion of an ACRS meeting is closed, the agenda will identify the portions of the meeting that will be closed. With regard to discussions involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed. The owner of the proprietary information will be consulted prior to the start of the meeting regarding who may observe such discussions.

With respect to proprietary-information agreements, the DFO should be informed of such an agreement at least 5 working days prior to the meeting so that it can be confirmed, and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the DFO prior to the beginning of the meeting for admittance to the closed session.

In addition, sessions with ACRS member attendance may not be open to the public for the purposes of training, conduct of retreats, international conferences, or other activities that do not involve matters about which the Committee intends to deliberate for the purpose of providing advice to the Commission.

Dated: April 24, 2025.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2025-07358 Filed 4-28-25; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025-1324 and K2025-1324; MC2025-1326 and K2025-1326]

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:* May 1, 2025.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission

attorneys are appointed, no attorney-client relationship is established. 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):* MC2025-1324 and K2025-1324; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 66 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* May 1, 2025.

2. *Docket No(s):* MC2025-1326 and K2025-1326; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 716 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 23, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* May 1, 2025.

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).

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. 2025-07361 Filed 4-28-25; 8:45 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE**Sunshine Act Meetings**

TIME AND DATE: Wednesday, April 23, 2025, at 4:30 p.m. EST.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW.

STATUS: Closed.

MATTERS CONSIDERED: On April 23, 2025, the members of the Board of Governors of the United States Postal Service voted unanimously to hold and to close to public observation a special meeting in Washington, DC. The Board determined that no earlier public notice was practicable. The Board considered the below matters.

1. Administrative Matters.
2. Executive Session.
3. Personnel Matters.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act, 5 U.S.C. 552b.

CONTACT PERSON FOR MORE INFORMATION: Lucy C. Trout, Acting Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-1000. Telephone: (202) 268-4800.

Lucy C. Trout,
Acting Secretary.

[FR Doc. 2025-07402 Filed 4-25-25; 11:15 am]

BILLING CODE 7710-12-P

POSTAL SERVICE**International Product Change—Global Expedited Package Services—Non-Published Rates**

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a petition with the Postal Regulatory Commission to add Global Expedited Package Services—Non-Published Rates 17 (GEPS—NPR 17) to the Competitive Products List.

DATES: *Date of notice:* April 29, 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, on April 18, 2025, it filed with the Postal Regulatory Commission a *Petition of the United States Postal Service for the Initiation of a Streamlined-Option Rulemaking Concerning a Request to Add Global Expedited Package Services—Non-Published Rates 17 (GEPS—NPR 17) to the Competitive Products List, including a Proposal for a GEPS—NPR 17 Model Contract Template and Application for Non-Public Treatment of Materials Filed Under Seal*. Documents are available at www.prc.gov, Docket Nos. RM2025-8 and K2025-1321.

Helen E. Vecchione,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025-07336 Filed 4-28-25; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35555; 812-15702]

Ardian Access LLC and Ardian US LLC

April 23, 2025.

AGENCY: Securities and Exchange Commission (“Commission” or “SEC”).

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end investment companies to issue multiple classes of shares of beneficial interest with varying sales loads and to impose asset-based distribution and/or service fees.

APPLICANTS: Ardian Access LLC and Ardian US LLC.

FILING DATES: The application was filed on February 19, 2025, and amended on March 10, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC’s Secretary at Secretaries-Office@sec.gov and serving the Applicants with a copy of the

request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on May 19, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

ADDRESSES: The Commission:

Secretaries-Office@sec.gov. Applicants: Gregory Davis, Esq., Ropes & Gray LLP, gregory.davis@ropesgray.com, with a copy to Michael Ferragamo, Ardian Access LLC, michael.ferragamo@ardian.com.

FOR FURTHER INFORMATION CONTACT:

Trace W. Rakestraw, Senior Special Counsel, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

SUPPLEMENTARY INFORMATION: For Applicants’ representations, legal analysis, and conditions, please refer to Applicants’ application, dated March 10, 2025, which may be obtained via the Commission’s website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC’s EDGAR system. The SEC’s EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/companysearch>. You may also call the SEC’s Office of Investor Education and Advocacy at (202) 551-8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07320 Filed 4-28-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102919; File No. SR–NSCC–2025–007]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Amend the Recovery and Wind-Down Plan To Satisfy the Requirements of Exchange Act Rule 17ad–26

April 23, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”)¹ and Rule 19b–4 thereunder,² notice is hereby given that on April 16, 2025, National Securities Clearing Corporation (“NSCC”) 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 clearing agency.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency’s Statement of the Terms of Substance of the Proposed Rule Change

The R&W Plan was adopted in August 2018, has been amended over time to reflect changes since its adoption,⁴ and is maintained by NSCC for compliance with Rule 17ad–22(e)(3)(ii) under the Act.⁵ Rule 17ad–22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and NSCC management in the event NSCC

encounters scenarios that could potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the Office of Recovery & Resolution Planning (referred to in the Plan as the “R&R Team”) of NSCC’s parent company, the Depository Trust & Clearing Corporation (“DTCC”),⁶ on behalf of NSCC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the “Recovery Plan,” which sets out the tools and strategies to enable NSCC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the “Wind-down Plan,” which describes the tools and strategies to be used to conduct an orderly wind-down of NSCC’s business in a manner designed to permit the continuation of NSCC’s critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad–26⁷ (the “RWP Rule” or “Rule 17ad–26”), which codifies the definitions of “Recovery”⁸ and “Orderly wind-down,”⁹ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as NSCC, identify and

include certain specific elements.¹⁰ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad–26. NSCC believes that by helping to ensure that the R&W Plan meets the requirements of Rule 17ad–26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help NSCC ensure that, in times of extreme market stress, the Plan can ensure continuity of NSCC’s critical services and enable Members to maintain access to NSCC’s services through the transfer of its membership in the event NSCC defaults or the Wind-down Plan is ever triggered by the Board.

II. Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Executive Summary

The R&W Plan was adopted in August 2018, has been amended over time to reflect changes since its adoption,¹¹ and is maintained by NSCC for compliance with Rule 17ad–22(e)(3)(ii) under the Act.¹² Rule 17ad–22(e)(3)(ii) requires registered clearing agencies to, in short, establish, implement and maintain plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses. The Plan is intended to be used by the Board and NSCC management in the event NSCC encounters scenarios that could

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ Capitalized terms not defined herein are defined in the Rules and Procedures of NSCC (the “Rules”), available at www.dtcc.com/~media/Files/Downloads/legal/rules/nscc_rules.pdf, or in the Recovery & Wind-down Plan of NSCC (the “R&W Plan” or “Plan”).

⁴ See Securities Exchange Act Release Nos. 83974 (Aug. 28, 2018), 83 FR 44988 (Sept. 4, 2018) (SR–NSCC–2017–017); 83955 (Aug. 27, 2018), 83 FR 44340 (Aug. 30, 2018) (SR–NSCC–2017–805); 98328 (Sept. 8, 2023), 88 FR 63180 (Sept. 14, 2023) (SR–NSCC–2023–008); 91428 (Mar. 29, 2021), 86 FR 17440 (Apr. 2, 2021) (SR–NSCC–2021–004); and 102757 (Apr. 1, 2025), 90 FR 15026 (Apr. 7, 2025) (SR–NSCC–2025–004).

⁵ 17 CFR 240.17ad–22(e)(3)(ii). NSCC is a “covered clearing agency” as defined in Rule 17ad–22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad–22. In 2012, NSCC was designated a systemically important financial market utility (“SIFMU”) by the Financial Stability Oversight Council (“FSOC”).

⁶ DTCC operates on a shared service model with respect to NSCC and its other affiliated clearing agencies, The Depository Trust Company (“DTC”) and Fixed Income Clearing Corporation (“FICC”). Most corporate functions are established and managed on an enterprise-wide basis pursuant to intercompany agreements under which it is generally DTCC that provides relevant services to NSCC, DTC and FICC (collectively, the “Clearing Agencies”).

⁷ See Covered Clearing Agency Resilience and Recovery and Orderly Wind-down Plan, Exchange Act Release No. 101446 (October 25, 2024), 89 FR 91000 (November 18, 2024) (S7–10–23).

⁸ *Id.* Pursuant to Rule 17ad–26, “Recovery” means the actions of a covered clearing agency, consistent with its rules, procedures, and other *ex ante* contractual arrangements, to address any uncovered loss, liquidity shortfall, or capital inadequacy, whether arising from participant default or other causes (such as business, operational, or other structural weaknesses), including actions to replenish any depleted prefunded financial resources and liquidity arrangements, as necessary to maintain the covered clearing agency’s viability as a going concern and to continue its provision of core services, as identified by the covered clearing agency pursuant to (a)(1) of this section.”

⁹ *Id.* Pursuant to Rule 17ad–26, “Orderly wind-down” means the actions of a covered clearing agency to effect the permanent cessation, sale, or transfer of one or more of its core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section, in a manner that would not increase the risk of significant liquidity, credit, or operational problems spreading among financial institutions or markets and thereby threaten the stability of the U.S. financial system.”

¹⁰ *Id.* Rule 17ad–26 identifies the elements that a covered clearing agency’s RWP must contain, including: (i) elements related to planning, including the identification and use of scenarios, triggers, tools, staffing and services providers, and (ii) testing and board approval of the plans.

¹¹ *Supra* note 4.

¹² *Supra* note 5.

potentially prevent it from being able to provide its critical services to the marketplace as a going concern. The R&W Plan is managed by the R&R Team of NSCC's parent company, the DTCC,¹³ on behalf of NSCC, with review and oversight by the DTCC Executive Committee and the Board.

The R&W Plan is comprised of two primary sections: (i) the "Recovery Plan," which sets out the tools and strategies to enable NSCC to recover, in the event it experiences losses that exceed its prefunded resources, and (ii) the "Wind-down Plan," which describes the tools and strategies to be used to conduct an orderly wind-down of NSCC's business in a manner designed to permit the continuation of NSCC's critical services in the event that its recovery efforts are not successful.

The purpose of the rule proposal is to amend the R&W Plan to satisfy the requirements of new Exchange Act Rule 17ad-26,¹⁴ which codifies the definitions of "Recovery"¹⁵ and "Orderly wind-down,"¹⁶ and requires that plans for the recovery and orderly wind-down of a covered clearing agency, such as NSCC, identify and include certain specific elements.¹⁷ In addition to incorporating the required elements into the Plan, the rule proposal would also make other conforming updates and technical revisions consistent with the RWP Rule, including incorporating key terms as defined in Rule 17ad-26. NSCC believes that by helping to ensure that the R&W Plan meets the requirements of Rule 17ad-26 and making necessary amendments and technical revisions that provide additional clarity, the proposed rule change will help NSCC ensure that, in times of extreme market stress, the Plan can ensure continuity of NSCC's critical services and enable Members to maintain access to NSCC's services through the transfer of its membership in the event NSCC defaults or the Wind-down Plan is ever triggered by the Board.

Background

As stated above, the R&W Plan is managed by the R&R Team, with review and oversight by the DTCC Executive Committee and the Board. NSCC completed its most recent review of the Plan in 2024, prior to the SEC's adoption of Rule 17ad-26.¹⁸ The proposed rule change reflects

amendments proposed to the Plan that are intended to address the requirements of Rule 17ad-26, which are described in greater detail below.

Proposed Amendments

A. Proposed Changes To Reflect the Requirements of Rule 17ad-26

NSCC is proposing changes to the Plan to reflect the requirements of Rule 17ad-26. Specifically, NSCC proposes to amend the Plan to incorporate a series of attachments to be added to the end of the Plan that address the requirements of Rule 17ad-26. The proposed attachments would address those requirements of the RWP Rule that are not otherwise covered by the current Plan. NSCC would also add a new section to the Plan, Section 9 (Compliance with SEC Rule 17ad-26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies) describing each of the attachments

The following are the required elements of Rule 17ad-26 with descriptions of the proposed new attachments to the Plan or, where applicable, the relevant section in which the element is already addressed in the Plan.

Rule 17ad-26(a)(1) (Core Services): This element of the RWP Rule requires, among other things, that the covered clearing agency identify and describe its core payment, clearing, and settlement services. NSCC's current Plan already includes the information necessary to satisfy this aspect of Rule 17ad-26. Therefore, other than the relevant name changes needed to replace the term "Critical" with "Core," consistent with the RWP Rule¹⁹ the rule proposal would not amend this portion of the Plan. Specifically, Section 3 (Critical Services) defines the criteria for classifying certain of NSCC's services as "critical,"²⁰ and identifies such critical services and the rationale for their classification. There is a table (Table 3-B: NSCC Critical Services) that lists each of the services, functions or activities that NSCC has identified as "critical"

¹⁹ *Supra* note 7.

²⁰ The criteria that is used to identify an NSCC service or function as critical includes consideration as to whether (1) there is a lack of alternative providers or products; (2) failure of the service could impact NSCC's ability to perform its central counterparty services; (3) failure of the service could impact NSCC's ability to perform its netting services, and, as such, the availability of market liquidity; and (4) the service is interconnected with other participants and processes within the U.S. financial system (for example, with other FMs, settlement banks, broker-dealers, and exchanges).

based on the applicability of the criteria.²¹

Rule 17ad-26(a)(1)(i) (Staffing): Attachment A-1 of the Plan would address the requirements of Rule 17ad-26(a)(1)(i), which requires that NSCC include identification of the staffing roles necessary to support NSCC's core services.²² Specifically, Attachment A-1 would be in the form of an Excel spreadsheet and would identify the staffing roles necessary to support the core services of NSCC as identified and described in the Plan, in the event of a recovery and during an orderly wind-down. Attachment A-1 would identify the core service and describe the necessary staffing roles, broken out by the number of managers and performers required within the relevant department (for example, Operations, IT). It would also include whether the number of roles is equal to the current business as usual staffing or less and provide a rationale as to why.

Rule 17ad-26(a)(1)(ii) (Staffing Analysis): Attachment A-2 of the Plan would address the requirement in Rule 17ad-26(a)(1)(ii)²³ that NSCC analyze how the staffing roles necessary to support the core services identified and described in Attachment A-1 would continue in the event of a recovery and during an orderly wind-down. Specifically, Attachment A-2 would be an analysis that identifies the potential challenges of retaining staffing roles during a recovery or wind-down event and potential ways NSCC has identified to address those challenges so that the core services can continue uninterrupted. The analysis would acknowledge that retaining staff can be particularly challenging during recovery or orderly wind-down periods as uncertainties may lead to employee apprehension. It would also reflect the fact that DTCC cannot guarantee staff retention, but that DTCC has developed various tools to mitigate potential challenges, especially the risk of loss of employees with unique or highly specialized knowledge, skills, or relationships that are critical to functioning and viability of NSCC. The following are the key tools described in Attachment A-2 that NSCC would

²¹ The following are NSCC's critical services as set forth in Table 3-B: (NSCC Critical Services): (1) Trade Capture and Reporting (Universal Trade Capture), (2) Corporate, Municipals, and Unit Investment Trusts (CMU) Service, (3) Obligation Warehouse, (4) Correspondent Clearing, (5) ETPs, (6) ACATS, (7) Account Information Transmission, (8) Continuous Net Settlement (CNS), (9) WMS FundSERV, (10) WMS—Networking and (11) WMS—Mutual Funds Profile Service I (Price and Rate).

²² *Supra* note 7.

²³ *Id.*

¹³ *Supra* note 6.

¹⁴ *Supra* note 7.

¹⁵ *Supra* note 8.

¹⁶ *Supra* note 9.

¹⁷ *Supra* note 10.

¹⁸ *Supra* note 4.

consider leveraging based on the unique circumstances of the recovery and orderly wind-down event or staffing roles, (i) succession planning, (ii) retention agreements, and (iii) cross-training.

Rule 17ad-26(a)(2)(i) (Service Providers for Core Services): Attachment B-1 of the Plan would address the requirements of Rule 17ad-26(a)(2)(i), which requires NSCC to identify and describe any service providers for core services (“CSPs”),²⁴ specifying which core services each service provider supports. Specifically, Attachment B-1 would be in the form of a table with the following rows of information, (i) identification of the third-party service provider for core service(s) (“TCSP”), (ii) a description of service performed by the TCSP, and (iii) identification of the relevant NSCC core service(s) which the TCSP supports. With respect to the identification and description of NSCC’s affiliated service providers of core services, this element of Rule 17ad-26 is addressed in the current Plan in the section covering “Intercompany Arrangements.”²⁵

Rule 17ad-26(a)(2)(ii) (Ensure Continued Performance of Service Providers for Core Services): Attachment B-2 of the Plan would cover the requirements of Rule 17ad-26(a)(2)(ii),²⁶ which require covered clearing agencies to address how the covered clearing agency would ensure that CSPs would continue to perform in the event of a recovery and during an orderly wind-down, including consideration of its written agreements with such service providers and whether the obligations under those written agreements are subject to alteration or termination as a result of initiation of the recovery and orderly wind-down plan. Specifically, Attachment B-2 would be a summary describing, among other things, that by

²⁴ *Id.* Pursuant to Rule 17ad-26(b) (Definitions), “Service provider for core services” means any person, including an affiliate or a third party, that, through a written agreement for services provided to or on behalf of the covered clearing agency, on an ongoing basis, directly supports the delivery of core services, as identified by the covered clearing agency pursuant to paragraph (a)(1) of this section.”

²⁵ Section 2.4 of the Plan (Intercompany Arrangements) describes how each of the DTCC SIFMUs receives the majority of its shared or corporate support services from DTCC through intercompany agreements. It describes that services are provided by DTCC, DTCC Europe Limited, DTCC Enterprise Services India Private Limited, and DTCC Singapore Pte. Ltd. The services generally cover enterprise-wide support, including human resources, finance, information technology, credit and quantitative risk, audit, legal, marketing and other services.

²⁶ *Supra* note 7.

the compliance date of Rule 17ad-26,²⁷ NSCC would review the written agreements with TCSPs that govern the services provided to NSCC²⁸ and evaluate the terms and conditions covering termination and alteration of performance in the event of initiation of the Plan, and the ability of NSCC to provide the services to a Transferee in the event of a wind-down.²⁹ Attachment B-2 would further provide that NSCC would endeavor to amend such written agreements, if necessary, to ensure that such TCSPs would continue to perform as required by Rule 17ad-26.

With respect to NSCC’s affiliated CSPs, each of the relevant written agreements is designated in Table 2-A of the Plan (SIFMU Legal Entity Structure and Intercompany Agreements). In order to confirm DTCC’s commitment to continue to provide services to NSCC in a recovery and to a Transferee in the event of an orderly wind-down, Attachment B-2 would describe that NSCC would work with internal stakeholders to amend the applicable intercompany agreements to include terms and conditions that address a recovery and orderly wind-down scenario similar to those described above covering TCSPs.

Rule 17ad-26(a)(3) (Scenarios): Attachment C of the Plan would address the requirements of Rule 17ad-26(a)(3) which are that NSCC identify and describe scenarios that may potentially prevent it from being able to provide its core services as identified in the Plan as a going concern. Specifically, Attachment C identifies three (3) scenarios that include uncovered credit

²⁷ *Id.* The compliance date in which the proposed rule changes must be effective is by December 15, 2025.

²⁸ See *supra* note 6. As set forth in Section 8.4.2 of the Plan (Critical Services and Clearing Agency Link Arrangements), NSCC utilizes a shared service model in which services are centralized in DTCC, which provides enterprise-wide shared services, staffing, infrastructure and operational support. As a result, NSCC is not typically the party to the written agreements with TCSPs. Rather, these are primarily entered into by DTCC with the TCSP agreeing to provide services to DTCC and/or one or more of its affiliates, including the Clearing Agencies. Therefore, in general, the TCSP does not have a basis to terminate or suspend the performance under the written agreement based on a change in condition in respect of a Clearing Agency, especially when DTCC continues to satisfy its payment obligations for the services.

²⁹ See *supra* note 3. As described in Section 8.1 of the Plan (Introduction and Executive Summary) and in NSCC Rule 42 (Wind-down of the Corporation), in the event the Board determines that NSCC will initiate the orderly wind-down Plan, a “Transferee” means an entity to which the Business of the Corporation is transferred pursuant to the Wind-down Plan, and may include (i) a failover entity established by DTCC, (ii) a then-existing or newly-established third party entity or (iii) a bridge entity formed to operate the business on an interim basis.

losses, uncovered liquidity shortfalls and general business losses. For example, there is a multi-Member default scenario, a scenario involving a significant internal operational incident, and a third-party failure scenario. For each scenario, proposed Attachment C would describe, among other things, (i) the scenario type (e.g., uncovered credit loss, uncovered liquidity loss, general business loss), (ii) the scenario background in terms of the cause of the circumstances, and (iii) the severely adverse market conditions associated with or resulting from the scenario.

Rule 17ad-26(a)(4) (Triggers): This element of the RWP Rule requires that NSCC identify and describe the criteria that could trigger NSCC’s implementation of the Plan and the process that NSCC uses to monitor and determine whether the criteria have been met, including NSCC’s governance arrangements applicable to such process.³⁰ NSCC’s current Plan already includes the information necessary to satisfy this aspect of Rule 17ad-26. Specifically, the rule proposal would take the existing language in the Plan that describes the criteria for NSCC’s entry into the Recovery Phase³¹ and implementation of the Recovery Plan and move it into a new separate Section of the Plan, Section 5.3 (The Recovery Plan Trigger).³² In addition, with respect to the trigger for an orderly wind-down of NSCC, current Section 8.4.3 (Triggers for Implementing Wind-down) as well as NSCC Rule 42 (Wind-down of the Corporation), Section 2 (Initiation of the Wind-down Plan) describe the trigger for implementation of the Wind-down Plan and the associated governance process by the Board.³³

³⁰ *Supra* note 7.

³¹ *Supra* note 4. Pursuant to Section 5.2.4 of the Plan (Recovery Corridor and Recovery Phase), the “Recovery Phase” relates to the actions taken by NSCC to restore its financial resources and avoid wind-down.

³² Section 5.3 (The Recovery Trigger) would state that the criteria that would trigger NSCC’s entry into the Recovery Phase and thus the implementation of the Recovery Plan is the date that it issues the first Loss Allocation Notice of the second loss allocation round with respect to a given Event Period.

³³ *Supra* note 4. Pursuant to Section 8.4.3 of the Plan (Triggers for Implementing Wind-down) and as set forth in NSCC Rule 42 (Wind-down of the Corporation), Section 2 (Initiation of the Wind-down Plan), the trigger for the implementation of the Wind-down Plan is the Board’s determination that the application of the tools set forth in the Plan to mitigate the adverse impact of credit losses, liquidity shortfalls, losses from general business risk or any other losses, have not restored NSCC to viability as a going concern, able to continue to provide its core services to Members in a safe and efficient manner, or will not likely restore NSCC to viability as a going concern able to continue to provide its core services to Participants and Pledges in a safe and efficient manner.

Rule 17ad-26(a)(5) and Rule 17ad-26(a)(6) (Rules, Policies, Procedures, and Tools): Attachment D of the Plan would address the requirements of Rule 17ad-26(a)(5) and Rule 17ad-25(a)(6),³⁴ which require covered clearing agencies to (i) identify and describe the rules, policies, procedures and any other tools or resources on which the covered clearing agency would rely in a recovery or orderly wind-down, and (ii) address how such rules, policies, procedures and any other tools or resources would ensure timely implementation of the Plan. Specifically, Attachment D would be in the form of a two-part table that would include the following column headings: (i) “Tools and Resources,” (ii) “Relevant Rules, Policies and Procedures,” and (iii) “Responsible Body/Personnel” necessary for their governance and implementation. Each row of the table would include this information for each of NSCC’s loss allocation waterfall tools (Part 1 of the table) and for each of NSCC’s liquidity resources (Part 2 of the table).³⁵ Because the Plan already includes a table that describes NSCC’s loss waterfall tools (Table 5–B)³⁶ and a table that describes the NSCC’s liquidity tools (Table 5–C),³⁷ proposed Attachment D would expand upon the information included in Table 5–B and Table 5–C to incorporate the additional information set forth above.

Rule 17ad-26(a)(7) (Notification to the Commission): Attachment E would address the requirements of Rule 17ad-26(a)(7), which requires covered clearing agencies to inform the Commission as soon as practicable when the covered clearing agency is considering implementing a recovery or orderly wind-down.³⁸ Specifically, with respect to notification that NSCC is considering implementing a recovery, proposed Attachment E would state that as set forth in Section 5.2.4 of the Plan (Recovery Corridor and Recovery Phase), NSCC would monitor, during a “Recovery Corridor,” the early warning indicators that could indicate that NSCC

may transition into recovery.³⁹ NSCC would notify the SEC⁴⁰ at the time a determination is made by the Executive Committee that NSCC has entered the Recovery Corridor, which means that either a market event, including a Member default or a non-default event, may result in uncovered losses, liquidity shortfalls or general business losses following end-of-day settlement. As further described in this section of the Plan, NSCC’s entry into the Recovery Corridor indicates that NSCC is considering implementing the Recovery Plan. Therefore, the timing of this notification would provide the SEC with advance notice that NSCC is considering implementing its Recovery Plan and coincide with NSCC’s monitoring of both the adequacy of its resources and the actual and expected timing of resource replenishment.

With respect to notification that NSCC is considering implementing an orderly wind-down, as set forth in Section 8.2.2 of the Plan (Wind-down Indicators),⁴¹ proposed Attachment E would state that NSCC would expect that a significant inability to replenish the Clearing Fund and/or other liquidity resources could lead NSCC to remain in the Recovery Phase⁴² for an extended period or potentially consider wind-down. If the various options set forth in the Recovery Plan are not deemed feasible or readily available, NSCC would enter wind-down following a Runway Period.⁴³ NSCC would notify the SEC⁴⁴ at the time a determination is made by the Executive Committee that NSCC has entered the Runway Period. The length of the Runway Period would vary based on the severity of the market stress or other event and the ability of NSCC to replenish its resources in a timely manner. However, in all scenarios, a Runway Period would occur before NSCC would need to implement the Wind-down Plan. Thus, proposed Attachment E would state that the timing of this notification would provide the SEC with advance notice of the fact that NSCC is considering

implementing the Wind-down Plan. It would note further that as a result of NSCC’s prior notification to the SEC that it is considering implementing the Recovery Plan, the SEC would already be actively engaged with NSCC as it proceeds through each stage of the Crisis Continuum, including prior to NSCC’s entry into the Runway Period.

Rule 17ad-26(a)(8) (Testing): Attachment F of the Plan would address the requirements of Rule 17ad-26(a)(8)⁴⁵ that procedures for testing the ability of a covered clearing agency to implement the recovery and orderly wind-down plan at least every 12 months be included in the Plan. Specifically, Attachment F would describe NSCC’s procedures for testing its ability to implement the Plan at least every 12 months, including describing the requirement that certain NSCC Members participate in the testing based on specified criteria⁴⁶ and, when practicable, other stakeholders.

Rule 17ad-26(a)(9) (Board Approval): Attachment G to the Plan would address the requirements of Rule 17ad-26(a)(9), which is that the plans include procedures requiring review and approval of the plans by the board of directors at least every 12 months or following material changes to the covered clearing agency’s operations that would significantly affect the viability or execution of the plans, with review informed, as appropriate, by the covered clearing agency’s testing of the plans.⁴⁷ Specifically, Attachment G would describe that the R&R Team provides pertinent information and status updates to the Executive Committee and the Board of each SIFMU, including NSCC, with regard to changes and enhancements to the R&W Plan. It would state that approval of the Plan is required at least every 12 months or following material changes to NSCC’s operations that would significantly affect the viability or execution of the Plan. The review by the board is informed, as appropriate, by the SIFMU’s testing of the Plan as described in Attachment F (Testing) to the Plan. It would further describe that the board reviews the SIFMU R&W plans through formal and ad hoc board meetings, receiving any necessary interim updates as determined by the Executive

³⁴ *Supra* note 7.

³⁵ NSCC’s liquidity risk management strategy, including the manner in which NSCC would deploy liquidity tools as well as its intraday use of liquidity, is described in the Clearing Agency Liquidity Risk Management Framework. *See* Securities Exchange Act Release No. 102757 (Apr. 1, 2025), 90 FR 15026 (Apr. 7, 2025) (SR-NSCC-2025-004).

³⁶ *See supra* note 3. The Loss Waterfall tools set out in Table 5–B of the Plan are the “Corporate Contribution” and “Loss Allocation.” *See also*, NSCC Rule 4, (Clearing Fund).

³⁷ Liquidity tools identified in Table 5–C of the Plan include (i) Utilize short-settling liquidating trades, (ii) Increase the speed of portfolio asset sales, (iii) Credit Facility, (iv) Unissued Commercial Paper, and (v) Non-Qualifying Liquid Resources.

³⁸ *Supra* note 7.

³⁹ *Supra* note 4.

⁴⁰ Attachment E would state that NSCC would provide this notification to its regular supervisory contacts at the SEC, either verbally and/or in writing.

⁴¹ *Supra* note 4.

⁴² *Id.* The Recovery Plan describes the recovery phase of the Crisis Continuum, which would begin on the date that NSCC issues the first Loss Allocation Notice of the second loss allocation round with respect to a given Event Period. *See supra* note 3. As provided for in Rule 4 (Clearing Fund).

⁴³ *Id.* The Wind-down Plan identifies the time period leading up to a decision to wind-down NSCC as the “Runway Period.”

⁴⁴ *Supra* note 40.

⁴⁵ *Supra* note 7.

⁴⁶ Proposed Attachment F would state that the R&R Team would identify the Members required to participate in the simulation and that considerations for the Member selection may include, but are not limited to, (i) account structure, (ii) affiliated family structure, (iii) business model, (iv) operational details, and (v) Member size in terms of trading and settlement activity.

⁴⁷ *Supra* note 7.

Committee. It would identify that the policy and procedures that describe the process for the review and approval of the SIFMU R&W plans by the board are set forth in the following: (i) Office of Recovery and Resolution Planning Procedures and (ii) Office of Recovery and Resolution Planning Policy. In addition, it would provide that the Charter of the board would be amended to include the obligation that the board review and approve the Plan at least every 12 months or following material changes to the DTCC SIFMUs' operations that would significantly affect the viability or execution of the Plan(s).

B. Proposed Addition of Section 9 (Compliance With Rule 17ad-26)

For purposes of clarity and consolidation of each of the elements required by 17ad-26 in one section of the Plan, NSCC is proposing to amend the Plan to add a new Section 9 entitled "Compliance with Rule 17ad-26: Recovery and Orderly Wind-down Plans of Covered Clearing Agencies." This proposed new Section would set forth a description of each of the attachments that are incorporated into the Plan that address the required elements of Rule 17ad-26.

C. Other Conforming Updates and Technical Revisions

NSCC is also proposing to make other conforming updates and technical revisions to the Plan for consistency with Rule 17ad-26. For example, NSCC would include the following defined terms included in Rule 17ad-26 for "Recovery," "Orderly wind-down," and "Service provider for core services."⁴⁸ These technical revisions would also, for example, replace the name of the defined term "Critical Services" in the Plan to "Core Services," to align with the RWP Rule without changing the substantive statements being revised. NSCC believes the proposed updates and technical revisions would improve the clarity and accuracy of the Plan and, therefore, would help facilitate the execution of Plan, if necessary.

D. Implementation Date

The proposed rule changes would become effective on the Compliance Date of Rule 17ad-26, December 15, 2025,⁴⁹ subject to Commission approval.

2. Statutory Basis

NSCC believes that the proposal is consistent with the requirements of the Act and the rules and regulations

thereunder applicable to a registered clearing agency. In particular, NSCC believes that the amendments to the R&W Plan are consistent with Section 17A(b)(3)(F) of the Act,⁵⁰ Rule 17ad-22(e)(3)(ii) under the Act,⁵¹ and Rule 17ad-26 under the Act,⁵² for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, in part, that the rules of NSCC be designed to promote the prompt and accurate clearance and settlement of securities transactions. As described above, the proposed rule change would update the R&W Plan to address the requirements of Rule 17ad-26 and make certain technical revisions. By helping to ensure that the R&W Plan reflects the information required by 17ad-26, and providing additional clarity through the technical revisions, NSCC believes that the proposed rule change would help it continue to maintain the Plan in a manner that supports the continuity of NSCC's core services and enables Members to maintain access to NSCC's services through the transfer of its membership in the event NSCC defaults or the Wind-down Plan is ever triggered by the Board. For example, by incorporating the staffing roles necessary to support NSCC's core services and the tools that NSCC could invoke to retain staff in the event of a recovery and during an orderly wind-down, the proposed rule change would assist NSCC in ensuring necessary staff is maintained to support access to and continuity of NSCC's core services. Similarly, the proposed rule change would identify the service providers supporting NSCC's core services and how NSCC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an orderly wind-down. This would assist NSCC in ensuring necessary core service providers continue to perform under their contractual arrangements and thus, supporting access to and continuity of NSCC's core services. By facilitating the continuity of its core clearance and settlement services, NSCC believes the Plan and the proposed rule change would continue to promote the prompt and accurate clearance and settlement of securities transactions. Therefore, NSCC believes the proposed amendments to the R&W Plan are consistent with the

requirements of Section 17A(b)(3)(F) of the Act.

Rule 17ad-22(e)(3)(ii) under the Act requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which includes plans for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.⁵³

Specifically, the Recovery Plan defines the risk management activities, stress conditions and indicators, and tools that NSCC may use to address stress scenarios that could eventually prevent it from being able to provide its core services as a going concern. Through the framework of the Crisis Continuum, the Recovery Plan addresses measures that NSCC may take to address risks of credit losses and liquidity shortfalls, and other losses that could arise from a Member default. The Recovery Plan also addresses the management of general business risks and other non-default risks that could lead to losses. The Wind-down Plan would be triggered by a determination by the Board that recovery efforts have not been, or are unlikely to be, successful in returning NSCC to viability as a going concern. Once triggered, the Wind-down Plan sets forth clear mechanisms for the transfer of NSCC's membership and business and is designed to facilitate continued access to NSCC's core services and to minimize market impact of the transfer. By establishing the framework and strategy for the execution of the transfer and orderly wind-down of NSCC in order to facilitate continuous access to its critical services, the Wind-down Plan establishes a plan for the orderly wind-down of NSCC.

As described above, the proposed rule change would update the R&W Plan to reflect information regarding the (i) staffing roles necessary to support NSCC's core services and the tools that NSCC could invoke to retain staff in the event of a recovery and during an orderly wind-down, (ii) Service providers of core services supporting NSCC's core services and how NSCC would endeavor to ensure that such service providers for core services would continue to perform in the event of a recovery and during an orderly

⁵⁰ 15 U.S.C. 78q-1(b)(3)(F).

⁵¹ 17 CFR 240.17ad-22(e)(3)(ii).

⁵² *Id.* NSCC is a "covered clearing agency" as defined in Rule 17ad-22(a)(5) under the Act and must comply with paragraph (e) of Rule 17ad-22. In 2012, NSCC was designated a systemically important financial market utility ("SIFMU") by the Financial Stability Oversight Council ("FSOC").

⁵³ *Id.*

⁴⁸ *Supra* note 7, 17ad-26(b) (Definitions).

⁴⁹ *Id.*

wind-down, (iii) scenarios that may potentially prevent NSCC from being able to provide its core services as a going concern, (iv) criteria that could trigger NSCC's implementation of the Plan, (v) rules, policies, procedures, tools and resources on which NSCC would rely during a recovery or orderly wind-down and how these would ensure timely implementation of the Plan, (vi) NSCC's process for notification to the Commission as soon as practicable when NSCC is considering implementing a recovery or orderly wind-down, (vii) testing of NSCC's ability to invoke the Plan, and (viii) review and approval of the Plans by NSCC's Board of Directors. The proposed rule change would also make certain technical corrections to align with the RWP Rule. By including the above detailed information in the Plan and ensuring that material provisions of the Plan are current, clear, and technically correct, NSCC believes that the proposed amendments are designed to support the maintenance of the Plan for the recovery and orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses, and, as such, meets the requirements of Rule 17ad-22(e)(3)(ii) under the Act.⁵⁴ Therefore, the proposed changes would help NSCC to maintain the Plan in a way that continues to be consistent with the requirements of Rule 17ad-22(e)(3)(ii).

Rule 17ad-26 requires the plans for recovery and orderly wind-down of covered clearing agencies, such as NSCC, to identify and address certain information that is pertinent to the Plan.⁵⁵ The proposed rule change would add the various elements required by Rule 17ad-26 noted in the previous paragraph and described more fully above. By adding the various required elements, the Plan would contain the necessary information that would facilitate its implementation if it ever needed to be invoked. Therefore, the proposed rule changes would help NSCC maintain the Plan in a way that is consistent with Rule 17ad-26.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any impact, or impose any burden, on competition. NSCC does not anticipate that the proposal would affect its day-to-day operations under normal circumstances, or the management of a typical Member default scenario or non-

default event. The R&W Plan was developed and documented in order to satisfy applicable regulatory requirements, as discussed above. The proposal is intended to enhance and update the Plan to ensure it is clear and remains current in accordance with applicable rules in the event it is ever necessary to be implemented. The proposed revisions would not affect any changes to the overall structure or operation of the Plan or NSCC's recovery and wind-down strategy as set forth under the current Plan. As such, NSCC believes the proposal would not have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, NSCC will amend this filing to publicly file such comments as an Exhibit 2 to this filing, as required by Form 19b-4 and the General Instructions thereto.

Persons submitting written comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b-4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on How to Submit Comments, available at www.sec.gov/regulatory-actions/how-to-submit-comments. General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at tradingandmarkets@sec.gov or 202-551-5777.

NSCC reserves the right to not respond to any comments received.

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 self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NSCC-2025-007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR-NSCC-2025-007. 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 NSCC and on DTCC's website (<https://dtcc.com/legal/sec-rule-filings.aspx>). 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-NSCC-2025-007 and

⁵⁴ *Id.*

⁵⁵ *Supra* note 7.

should be submitted on or before May 20, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁶

Sherry R. Haywood,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102917; File No. SR-NASDAQ-2025-032]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade Shares of the VanEck Avalanche ETF Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

April 23, 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 April 9, 2025, The Nasdaq Stock Market LLC (“Nasdaq” 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.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the VanEck Avalanche ETF (the “Trust”) under Nasdaq Rule 5711(d) (“Commodity-Based Trust Shares”). The shares of the Trust are referred to herein as the “Shares.”

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/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

The Exchange proposes to list and trade the Shares under Nasdaq Rule 5711(d), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.³ VanEck Digital Assets, LLC (the “Sponsor”) is the sponsor of the Trust, Delaware Trust Company (the “Trustee”) is the trustee of the Trust, and a third party custodian, (the “AVAX Custodian”) will be the custodian of the Trust, who will hold all of the Trust’s Avalanche (“AVAX”) on the Trust’s behalf.

Overview of the Trust

The Shares will be registered with the Commission by means of the Trust’s registration statement on Form S-1 (the “Registration Statement”).⁴ According to the Registration Statement, the Trust is neither an investment company registered under the Investment Company Act of 1940, as amended, nor a commodity pool for purposes of the Commodity Exchange Act (“CEA”), and the Sponsor is not subject to regulation by the Commodity Futures Trading Commission (“CFTC”) as a commodity pool operator or a commodity trading adviser in connection with the Shares. The Trust is a passive investment vehicle that does not seek to pursue any investment strategy beyond tracking the price of AVAX. As a result, the Trust will not attempt to avoid losses or hedge exposure arising from the risk of changes in the price of AVAX.

According to the Registration Statement, the Trust’s investment objective is to reflect the performance of the price of AVAX, the native token of the Avalanche network, less the expenses of the Trust’s operations. In

³ The Commission approved Nasdaq Rule 5711 in Securities Exchange Act Release No. 66648 (March 23, 2012), 77 FR 19428 (March 30, 2012) (SR-NASDAQ-2012-013).

⁴ See Registration Statement on Form S-1, dated March 14, 2025, submitted by the Sponsor on behalf of the Trust. The descriptions of the Trust, the Shares, and the Index (as defined below) contained herein are based, in part, on information in the Registration Statement. The Registration Statement is not yet effective, and the Shares will not trade on the Exchange until such time that the Registration Statement is effective.

seeking to achieve its investment objective, the Trust will hold AVAX and will value its Shares daily based on the reported MarketVector™ Avalanche Benchmark Rate (the “Index”), which is calculated based on prices contributed by trading platforms that the Sponsor’s affiliate, MarketVector Indexes GmbH (“MarketVector”), believes represent the top five AVAX trading platforms based on the industry leading CCData Centralized Exchange Benchmark review report, as described below.

The Sponsor is not registered as an investment adviser and currently is not required to register under the Advisers Act in connection with its activities on behalf of the Trust. The Sponsor may, from time to time, stake a portion of the Trust’s assets through one or more trusted staking providers, which may include an affiliate of the Sponsor (“Staking Providers”). In consideration for any staking activity (“Staking Activity”) in which the Trust may engage, the Trust would receive certain staking rewards of AVAX tokens, which may be treated as income to the Trust.

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 considered for purposes of determining the Trust’s net asset value (“NAV”).

When the Trust sells or redeems its Shares, it will do so in either cash or in-kind transactions in blocks of 25,000 Shares (a “Basket”) at the NAV. The Trust will conduct creations and redemptions in cash or in-kind transactions with financial firms that are authorized to purchase or redeem Shares with the Trust (“Authorized Participants” or “APs”). Authorized Participants must be registered broker-dealers.

Background

AVAX and the Avalanche Network

AVAX is a digital asset that is created and transmitted through the operations of the peer-to-peer Avalanche network, a dispersed network of computers that operates on cryptographic software protocols based on open source code. No single entity is known to own or operate the Avalanche network on a day to day basis, the infrastructure of which is understood to be collectively maintained by a global user base. The Avalanche network allows people to exchange tokens of value, called AVAX, which are recorded on a public transaction ledger known as a blockchain. AVAX can be used to pay for goods and services, including computational power on the Avalanche

⁵⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

network, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on digital asset trading platforms or in individual end-user-to-end-user transactions under a barter system. Furthermore, the Avalanche network was designed to allow users to write and implement smart contracts—that is, general-purpose code that executes on every computer in the network and can instruct the transmission of information and value based on a sophisticated set of logical conditions. Using smart contracts, users can create markets, store registries of debts or promises, represent the ownership of property, move funds in accordance with conditional instructions and create digital assets other than AVAX on the Avalanche network. Smart contract operations are executed on the Avalanche blockchain in exchange for payment of AVAX. Like the Ethereum network, the Avalanche network is one of a number of projects intended to expand blockchain use beyond just a peer-to-peer money system.

Avalanche Network

Avalanche is a Layer 1 blockchain and smart contract platform for decentralized applications and custom blockchains. The Avalanche network is an open-source protocol that enables users to deploy smart contracts to support their blockchain projects and the network was created by Kevin Sekniqi, Maofan “Ted” Yin and Emin Gün Sirer and was further developed by researchers from Cornell University prior to its launch by Ava Labs US in September 2020. The Avalanche network is one of the main competitors of Ethereum and aims to beat the leading smart contract platform by offering higher transaction throughput without compromising scalability or security. Avalanche is powered by the Avalanche consensus protocol, which its proponents believe is a unique “proof-of-stake” algorithm comprised of three blockchains, X-Chain (Exchange Chain), C-Chain (Contract) and P-Chain (Platform), which allow the network to create and trade assets such as AVAX, coordinate transaction validators and facilitate the creation of smart contracts. Each chain serves a different purpose and run different consensus mechanisms based on their use-cases. The X-Chain is used to create and exchange native AVAX tokens and other assets. The C-Chain is used to host Ethereum Virtual Machine (EVM) compatible smart contracts. The P-Chain is coordinating network validators, tracks active subnets and allows the creation of new subnets. Ava Labs is the

main entity that develops and maintains the codebase of the Avalanche network and suite of tools and applications.

The AVAX Token

The AVAX token is the native token of the Avalanche network and serves as the base currency for transactions, smart contract interactions and deployment. The AVAX token also serves as a governance tokens that allows token holders to participate in the decentralized governance of the protocol. The AVAX token can be staked to help secure the network and earn staking rewards. AVAX has a capped supply of 720 million and is used as fee payment, for staking in Avalanche’s consensus process and provides a basic unit of account between subnets created on the network. AVAX holders may become transaction validators if they stake a minimum number of coins or can delegate their coins to an already existing validator.

Investment Objective

According to the Registration Statement, and as further described below, the investment objective of the Trust is for the Shares to reflect the performance of the price of AVAX less the expenses of the Trust’s operations. In seeking to achieve its investment objective, the Trust will hold AVAX and will value its Shares daily based on the Index, and process all creations and redemptions in cash or in-kind transactions with Authorized Participants. The Trust is not actively managed.

The Trust will not utilize leverage, derivatives or any similar arrangements in seeking to meet its investment objective. From time to time, the Sponsor may stake, or cause to be staked, all or a portion of the Trust’s AVAX through one or more Staking Providers. In consideration for any Staking Activity in which the Trust may engage, the Trust would receive certain staking rewards of AVAX tokens, which may be treated as income to the Trust.

The Index

As described in the Registration Statement, the Trust will use the Index to calculate the Trust’s NAV. The Index is designed to be a robust price for AVAX in USD and there is no component other than AVAX in the Index. The underlying AVAX platforms (the “constituent platforms”) are sourced from the CCData Centralized Exchange Benchmark review report. CCData’s Centralized Exchange Benchmark was established in 2019 as a tool designed to bring clarity to the

digital trading platform sector by providing a framework for assessing risk and in turn bringing transparency and accountability to a complex and rapidly evolving market.⁵

In calculating the closing value of the Index, the methodology captures trade prices and sizes from AVAX platforms and examines twenty three-minute periods leading up to 4:00 p.m. Eastern time (“ET”). It then calculates an equal-weighted average of the volume-weighted median price of these twenty three-minute periods, removing the highest and lowest contributed prices. Using twenty consecutive three-minute segments over a sixty-minute period means malicious actors would need to sustain efforts to manipulate the market over an extended period of time, or would need to replicate efforts multiple times across AVAX platforms, potentially triggering review. This extended period also supports Authorized Participant activity by capturing volume over a longer time period, rather than forcing Authorized Participants to mark an individual close or auction. The use of a median price reduces the ability of outlier prices to impact the NAV, as it systematically excludes those prices from the NAV calculation. The use of a volume-weighted median (as opposed to a traditional median) serves as an additional protection against attempts to manipulate the NAV by executing a large number of low-dollar trades, because any manipulation attempt would have to involve a majority of global spot AVAX volume in a three-minute window to have any influence on the NAV. As discussed in the Registration Statement, removing the highest and lowest prices further protects against attempts to manipulate the NAV, requiring bad actors to act on multiple AVAX platforms at once to have any ability to influence the price.

⁵ As set forth in the Registration Statement, the CCData Centralized Exchange Benchmark methodology utilizes a combination of qualitative and quantitative metrics to analyze a comprehensive data set across eight categories of evaluation: legal/regulation, KYC/transaction risk, data provision, security, team/exchange, asset quality/diversity, market quality and negative events. Based on the CCData Centralized Exchange Benchmark, MarketVector initially selects the top five trading platforms by rank for inclusion in the Index. If an eligible trading platform is downgraded by two or more notches in a semi-annual review and is no longer in the top five by rank, it is replaced by the highest ranked non-component trading platform. Adjustments to exchange coverage are announced four business days prior to the first business day of each of March and September at 23:00 CET. The Index is rebalanced at 16:00:00 GMT/BST on the last business day of each of February and August.

Net Asset Value

NAV means the total assets of the Trust (which includes all AVAX and cash and cash equivalents) less total liabilities of the Trust. The Administrator determines 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 based on the closing value of the Index. The NAV of the Trust is the aggregate value of the Trust's assets less its estimated accrued but unpaid liabilities (which include accrued expenses). In determining the NAV, the Administrator values the AVAX held by the Trust based on the closing value of the Index 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.

The Sponsor will monitor for significant events related to crypto assets that may impact the value of AVAX and will determine, in good faith, and in accordance with its valuation policies and procedures, whether to fair value the Trust's AVAX on a given day based on whether certain pre-determined criteria have been met. For example, if the closing value of the Index deviates by more than a pre-determined amount from an alternate benchmark available to the Sponsor, the Sponsor may determine to utilize an alternate benchmark. The Sponsor may also fair value the Trust's AVAX using observed market transactions from various trading platforms, including some or all of the trading platforms included in the Index.⁶

Availability of Information and Intraday Indicative Value

In addition to the price transparency of the Index, the Trust will provide information regarding the Trust's AVAX holdings as well as additional data regarding the Trust. The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the prior business day's NAV per Share; (b) the prior business day's Nasdaq official closing price; (c) calculation of the premium or discount of such Exchange official closing price against such NAV per Share; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Exchange's official closing price against the NAV, within appropriate

ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (e) the prospectus; and (f) other applicable quantitative information. The Trust will also disseminate the Trust's holdings on a daily basis on the Trust's website. Quotation and last sale information regarding the Shares will be disseminated through the facilities of the relevant securities information processor.

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 the Exchange's regular market session of 9:30 a.m. to 4:00 p.m. ET (the "Regular Market Session") to reflect changes in the value of the Trust's AVAX holdings during the trading day. The IIV disseminated during the Regular Market Session should not be viewed as an actual real-time update of the NAV, because NAV per Share is calculated only once at the end of each trading day based upon the relevant end-of-day values of the Trust's investments. The IIV will be widely disseminated on a per-Share basis every 15 seconds during the Regular Market Session through the facilities of the relevant securities information processor by market data vendors. In addition, the IIV will be available through online information services, such as Bloomberg and Reuters.

Quotation and last sale information for AVAX is disseminated through a variety of major market data vendors. Information related to trading, including price and volume information, in AVAX is available from major market data vendors and from the trading platforms on which AVAX are traded. The normal trading hours for AVAX 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 Nasdaq official closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

The AVAX Custodian

The AVAX Custodian's services (i) allow AVAX to be deposited from a public blockchain address to the Trust's AVAX account, (ii) allow AVAX to be withdrawn from the AVAX account to a public blockchain address as instructed by the Trust, and (iii) allow AVAX to be staked. The custody agreement requires the AVAX Custodian to hold the Trust's

AVAX in cold storage, unless required to facilitate withdrawals as a temporary measure. The AVAX Custodian will use segregated cold storage AVAX addresses for the Trust which are separate from the AVAX addresses that the AVAX Custodian uses for its other customers and which are directly verifiable via the AVAX blockchain. The AVAX Custodian will safeguard the private keys to the AVAX associated with the Trust's AVAX account. The AVAX Custodian will at all times record and identify in its books and records that such AVAX constitutes the property of the Trust. The AVAX Custodian will not withdraw the Trust's AVAX from the Trust's account with the AVAX Custodian, or loan, hypothecate, pledge or otherwise encumber the Trust's AVAX, without the Trust's instruction. If the custody agreement terminates, the Sponsor may appoint another custodian and the Trust may enter into a custodian agreement with such custodian.

Creation and Redemption of Shares

According to the Registration Statement, the Trust creates and redeems Shares from time to time, but only in one or more Baskets. The Trust would allow for both an in-kind creation and redemption process as well as a cash creation and redemption process. Baskets are only made in exchange for delivery to the Trust of the amount of AVAX represented by the Baskets being created, or an amount of cash sufficient to purchase such amount of AVAX, the amount of which is equal to the combined NAV of the number of Shares included in the Baskets being created determined as of 4:00 p.m. ET on the day the order to create Baskets is properly received. Baskets are only redeemed in exchange for delivery to the Trust of the amount of Shares represented by the Basket.

For a redemption in cash, the Sponsor shall arrange for the AVAX represented by the Basket to be sold to a Liquidity Provider and the cash proceeds distributed from the Trust's account at the Cash Custodian to the Authorized Participant in exchange for their Shares.

For an "in-kind" creation, Authorized Participants will deliver, or facilitate the delivery of, AVAX to the Trust's account with the Avalanche Custodian in exchange for Shares when they purchase Shares. For an "in-kind" redemption transaction, when Authorized Participants redeem Shares with the Trust, through the Avalanche Custodian, will deliver AVAX to such Authorized Participants, or a designee thereof, in exchange for their Shares.

⁶ Any alternative method to determining NAV 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.

Applicable Standard

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.⁷ 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.⁸ A listing exchange could, alternatively, demonstrate that

⁷ See Securities Exchange Act Release Nos. 78262 (July 8, 2016), 81 FR 78262 (July 14, 2016) (the “Winklevoss Proposal”). The Winklevoss Proposal was subsequently disapproved by the Commission. 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 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. See Securities Exchange Act No. 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”); 100224 (May 23, 2024), 89 FR 46937 (May 30, 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 Shares of Ether-Based Exchange-Traded Products) (the “Spot ETH ETP Approval Order”).

⁸ See Winklevoss Order, 83 FR at 37580; see Spot Bitcoin ETP Approval Order, 89 FR at 3009; see Spot ETH ETP Approval Order 89 FR at 46938.

“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.

The Commission has issued orders granting approval for proposals to list bitcoin- and ether-based commodity trust shares and bitcoin- and ether-based trust issued receipts (these proposed funds are nearly identical to the Trust, but proposed to hold bitcoin and ether, respectively, instead of AVAX) (“Spot Bitcoin ETPs” and “Spot ETH ETPs”). In both the Spot Bitcoin ETP Approval Order and Spot ETH ETP Approval Order, the Commission found that sufficient “other means” of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance-sharing agreement with a market of significant size. Specifically, the Commission found that while the Chicago Mercantile Exchange (“CME”) futures market for both bitcoin and ether were not of “significant size” with respect to the spot market, the Exchange demonstrated that other means could be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the proposals.

As further discussed below, both the Exchange and the Sponsor believe that this proposal and the analysis to be included are sufficient to establish that there are sufficient “other means” of preventing fraud and manipulation that warrant dispensing of the surveillance-sharing agreement with a regulated market of significant size, as was done with both Spot Bitcoin ETPs and Spot ETH ETPs, and that this proposal should be approved.

The Commission has approved numerous series of Trust Issued Receipts,⁹ including Commodity-Based Trust Shares,¹⁰ to be listed on U.S.

⁹ Pursuant to Nasdaq Rule 5720(a), the term “Trust Issued Receipt” means a security (a) that is issued by a trust which holds specified securities deposited with the trust; (b) that, when aggregated in some specified minimum number, may be surrendered to the trust by the beneficial owner to receive the securities; and (c) that pays beneficial owners dividends and other distributions on the deposited securities, if any are declared and paid to the trustee by an issuer of the deposited securities

¹⁰ Pursuant to Nasdaq Rule 5711(d)(iv), the term “Commodity-Based Trust Shares” means a security (1) that is issued by a trust that holds (a) a specified commodity deposited with the trust, or (b) a specified commodity and, in addition to such specified commodity, cash; (2) that is 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 (3) that, 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.

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 Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the “regulated market of significant size” standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that “other means to prevent fraudulent and manipulative acts and practices” are sufficient to justify dispensing with the requisite surveillance-sharing agreement.¹¹ For example, in approving the Spot Bitcoin ETPs, the Commission found that there were “sufficient ‘other means’ of preventing fraud and manipulation,” including that:

[B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission’s own analysis, 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 [Spot Bitcoin ETPs].¹²

¹¹ See Winklevoss Order at 37580. The Commission has also specifically noted that it “is not applying a ‘cannot be manipulated’ standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met.” *Id.* at 37582

¹² See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for Spot ETH ETPs. See Securities Exchange Act Release No. 100224 (May 23, 2024),

Today, Coinbase Derivatives, LLC (“Coinbase Derivatives”) offers trading in AVAX futures. Nasdaq has a comprehensive surveillance-sharing agreement with Coinbase Derivatives via its common membership in the Intermarket Surveillance Group (“ISG”).¹³ This facilitates the sharing of information that is available to Coinbase Derivatives through its surveillance of its markets, including its surveillance of Coinbase Derivatives’ AVAX futures market. Similar to the Spot Bitcoin and Spot ETH ETPs previously approved by the SEC, Nasdaq’s ability to obtain information regarding trading in the AVAX futures from other markets that are members of the ISG (specifically Coinbase Derivatives) would assist Nasdaq in detecting and deterring misconduct.

Initial and Continued Listing

The Shares will be subject to Nasdaq Rule 5711(d)(vi), which sets forth the initial and continued listing criteria applicable to Commodity-Based Trust Shares. The Exchange will obtain a representation that the Trust’s NAV per Share will be calculated daily and will be made available to all market participants at the same time. A minimum of 40,000 Shares will be required to be outstanding at the time of commencement of trading on the Exchange. Upon termination of the Trust, the Shares will be removed from listing. The Trustee will be a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Nasdaq Rule 5711(d)(vi)(D) and no change will be made to the Trustee without prior notice to and approval of the Exchange.

As required in Nasdaq Rule 5711(d)(viii), 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 the underlying commodity, related futures or options on futures, or any other related derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker in the Shares shall trade in the underlying commodity, related futures or options on futures, or any other related

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 Nasdaq Rule 5711(d). In addition to the existing obligations under Exchange rules regarding the production of books and records, the registered Market Maker in the Shares shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or any limited partner, officer or approved person thereof, registered or non-registered employee affiliated with such entity for its or their own accounts in the underlying commodity, related futures or options on futures, or any other related derivatives, as may be requested by the Exchange.

The Exchange is able to obtain information regarding trading in the Shares and the underlying AVAX, AVAX futures contracts, or any other AVAX 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 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. The Exchange will allow trading in the Shares from 4:00 a.m. to 8:00 p.m. ET. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. The Shares of the Trust will conform to the initial and continued listing criteria set forth in Nasdaq Rule 5711(d) and will comply with the requirements of Rule 10A–3 of the Act.

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 Nasdaq Rules 4120 and 4121, including without limitation the conditions specified in Nasdaq Rule 4120(a)(9) and (10) and the trading pauses under Nasdaq Rules 4120(a)(11) and (12).

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 AVAX underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

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 per Share 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 per Share is available to all market participants.

Surveillance

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. The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.*, spoofing, marking the close, ping, phishing). Trading of Shares on the Exchange will be subject to the Exchange’s surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA’s performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued

89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

¹³ For a list of the current members and affiliate members of ISG, see <https://isgportal.org/public-members>.

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 is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares 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 and listed AVAX futures from such markets and other entities. The Exchange also may obtain information regarding trading in the Shares, listed AVAX futures 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.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an information circular (“Information Circular”) of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) the procedures for creations and redemptions of Shares in Baskets (and that Shares are not individually redeemable); (2) Section 10 of Nasdaq General Rule 9, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the IIV and NAV is disseminated; (4) the risks involved in trading the Shares during the pre-market and post-market sessions when an updated IIV will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no action and interpretive relief granted by the Commission from any rules under the Act.

The Information Circular will also reference the fact that there is no regulated source of last sale information regarding AVAX, that the Commission

has no jurisdiction over the trading of AVAX as a commodity.

Additionally, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares. The Information Circular will disclose that information about the Shares will be publicly available on the Trust’s website.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁵ in particular, in that it is designed to promote just and equitable principles of trade, 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 approved numerous series of Trust Issued Receipts, including Commodity-Based Trust Shares, 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 Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the “regulated market of significant size” standard is not the only means for satisfying Section 6(b)(5) of the act, specifically providing that a listing exchange could demonstrate that “other means to prevent fraudulent and manipulative acts and practices” are sufficient to justify dispensing with the requisite surveillance-sharing agreement with the underlying spot market. The Exchange and Sponsor believe that such conditions are present. As discussed above, in approving the Spot Bitcoin ETPs, the Commission found that there were “sufficient ‘other means’ of preventing fraud and manipulation,” including that:

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

[B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission’s own analysis, 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 [Spot Bitcoin ETPs].¹⁶

As discussed above, Coinbase Derivatives offers trading in AVAX futures. Nasdaq has a comprehensive surveillance-sharing agreement with Coinbase Derivatives via its common membership in ISG, which facilitates the sharing of information that is available to Coinbase Derivatives through its surveillance of its markets, including its surveillance of Coinbase Derivatives’ AVAX futures market. Similar to the Spot Bitcoin and Spot ETH ETPs previously approved by the SEC, Nasdaq’s ability to obtain information regarding trading in the AVAX futures from other markets that are members of the ISG (specifically Coinbase Derivatives) would assist Nasdaq in detecting and deterring misconduct.

The Exchange further believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria set forth in Nasdaq Rule 5711(d). The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. As discussed above, the surveillance program includes real-time patterns for price and volume movements and post-trade surveillance

¹⁶ See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for spot ether ETPs. See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

patterns (e.g., spoofing, marking the close, pinging, phishing). Trading of Shares on the Exchange will be subject to the Exchange's surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust 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 is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange may obtain trading information regarding trading in the Shares and listed AVAX futures from such markets and other entities.

Trading in Shares of the Trust will be halted if the circuit breaker parameters have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market.

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 Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

For all 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 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- A. by order approve or disapprove such proposed rule change, or
- B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-NASDAQ-2025-032. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2025-032 and should be submitted on or before May 20, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-07312 Filed 4-28-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, May 1, 2025.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5

¹⁷ 17 CFR 200.30-3(a)(12).

U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

Authority: 5 U.S.C. 552b.

Dated: April 24, 2025.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2025-07415 Filed 4-25-25; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102920; File No. SR-CboeBZX-2025-057]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fidelity Blue Chip Growth ETF, Fidelity Blue Chip Value ETF, Fidelity Magellan ETF, Fidelity Real Estate Investment ETF, and the Fidelity Fundamental Small-Mid Cap ETF, Shares of Which Are Listed and Traded on the Exchange Pursuant to BZX Rule 14.11(m)

April 23, 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 April 11, 2025, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) 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 Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to

Section 19(b)(3)(A)(iii) of the Act³ and Rule 19b-4(f)(6) thereunder.⁴ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to permit the Fidelity Blue Chip Growth ETF, Fidelity Blue Chip Value ETF, Fidelity Magellan ETF, Fidelity Real Estate Investment ETF, and the Fidelity Fundamental Small-Mid Cap ETF⁵ (collectively referred to as the “Funds”), shares of which are listed and traded on the Exchange pursuant to BZX Rule 14.11(m), to operate a “Semi-Transparent Sleeve” and “Fully-Transparent Sleeve” and to expand the investible universe for the proposed Fully-Transparent Sleeve.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange adopted BZX Rule 14.11(m) for the purpose of permitting the listing and trading, or trading pursuant to unlisted trading privileges, of Tracking Fund Shares, which are securities issued by an actively managed open-end management investment

company.⁶ Exchange Rule 14.11(m)(2)(A) requires the Exchange to file separate proposals under Section 19(b) of the Act before listing and trading any series of Tracking Fund Shares on the Exchange. Pursuant to this provision, the Exchange submitted proposals to list and trade shares (“Shares”) of Tracking Fund Shares of the Fidelity Blue Chip Growth ETF, Fidelity Blue Chip Value ETF, Fidelity Magellan ETF, Fidelity Real Estate Investment ETF, and the Fidelity Fundamental Small-Mid Cap ETF⁷ (collectively referred to as the “Funds”).⁸

⁶ Rule 14.11(m)(3)(A) provides that “[t]he term ‘Tracking Fund Share’ means a security that (i) represents an interest in an investment company registered under the Investment Company Act of 1940 (“Investment Company”) organized as an open-end management investment company, that invests in a portfolio of securities selected by the Investment Company’s investment adviser consistent with the Investment Company’s investment objectives and policies; (ii) is issued in a specified aggregate minimum number in return for a deposit of a specified Tracking Basket or Custom Basket, as applicable, and/or a cash amount with a value equal to the next determined net asset value; (iii) when aggregated in the same specified minimum number, may be redeemed at a holder’s request, which holder will be paid a specified Tracking Basket or Custom Basket, as applicable, and/or a cash amount with a value equal to the next determined net asset value; and (iv) the portfolio holdings for which are disclosed within at least 60 days following the end of every fiscal quarter. Rule 14.11(m)(3)(E) provides that “[t]he term ‘Tracking Basket’ means the identities and quantities of the securities and other assets included in a basket that is designed to closely track the daily performance of the Fund Portfolio, as provided in the exemptive relief under the Investment Company Act of 1940 applicable to a series of Tracking Fund Shares.” Rule 14.11(m)(3)(F) provides that “the term ‘Custom Basket’ means a portfolio of securities that is different from the Tracking Basket and is otherwise consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 applicable to a series of Tracking Fund Shares.

⁷ The Fidelity Small-Mid Cap Opportunities ETF was renamed the Fidelity Fundamental Small-Mid Cap ETF on February 26, 2024.

⁸ See Securities Exchange Act Nos. 88887 (May 15, 2020) 85 FR 30990 (May 21, 2020) (SR-CboeBZX-2019-107) (Notice of Filing of Amendment No. 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 5, To Adopt Rule 14.11(m), Tracking Fund Shares, and To List and Trade Shares of the Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF) (the “Original Order”); 90530 (November 30, 2020) 85 FR 78366 (December 4, 2020) (SR-CboeBZX-2020-085) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to List and Trade Shares of the Fidelity Growth Opportunities ETF, Fidelity Magellan ETF, Fidelity Real Estate Investment ETF, and Fidelity Small-Mid Cap Opportunities ETF Under Rule 14.11(m)) (the “Original Notice”); 92946 (September 13, 2021) 86 FR 51941 (September 17, 2021) (SR-CboeBZX-2021-060) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Reflect an Amendment to the Application and Exemptive Order Governing the Following Funds, Shares of Which Are Listed and Traded on the Exchange Under BZX Rule

³ 15 U.S.C. 78s(b)(3)(A)(iii).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ The Fidelity Small-Mid Cap Opportunities ETF was renamed the Fidelity Fundamental Small-Mid Cap ETF on February 26, 2024.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

The Funds are actively-managed exchange-traded funds for which Fidelity Covington Trust, among others, submitted an application for exemptive relief (the “Original Application”) which was granted under an exemptive order (the “Original Exemptive Order”, and the Original Exemptive Order together with the Original Application the “Original Exemptive Relief”) issued on December 10, 2019.⁹ Pursuant to the Original Exemptive Relief, the Funds are generally excluded from investing in asset classes that are not U.S. Equities. Furthermore, the Original Order and Original Notice to list and trade shares of the Funds provided that each of the Fund’s holdings will conform to the permissible investments as set forth in the Original Exemptive Relief.¹⁰

On March 3, 2025, the issuer filed an amendment to the Original Application (the “Amended Application”) ¹¹ for which the Commission issued an exemptive order on March 31, 2025 (the “Amended Exemptive Order”,¹² and the Amended Exemptive Order together with the Amended Application, the “Amended Exempted Relief”) to allow the Funds to operate a “Fully-Transparent Sleeve” and “Semi-Transparent Sleeve” and allow the

14.11(m): Fidelity Growth Opportunities ETF, Fidelity Magellan ETF, Fidelity Real Estate Investment ETF, Fidelity Small-Mid Cap Opportunities ETF, Fidelity Blue Chip Value ETF, Fidelity Blue Chip Growth ETF, and Fidelity New Millennium ETF) (the “First Subsequent Notice”); 94401 (March 11, 2022) 87 FR 15296 (March 17, 2022) (SR–CboeBZX–2022–018) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Certain Series of Tracking Fund Shares Issued by Fidelity Covington Trust, Which Are Listed and Traded on the Exchange Pursuant to Rule 14.11(m), To Use Custom Baskets) (the “Second Subsequent Notice”, and together with the Original Order, Original Notice, and First Subsequent Notice the “Prior Filings”).

⁹ See Investment Company Act Release No. 33683 (November 14, 2019), 84 FR 64140 (November 20, 2019) (the “Original Application”) and 33712 (December 10, 2019) (the “Original Exemptive Order”) (File No. 812–14364).

¹⁰ Pursuant to the Original Exemptive Relief, each Fund’s permissible investments include only the following instruments: ETFs, exchange-traded notes, exchange-traded common stocks, common stocks listed on a foreign exchange that trade on such exchange contemporaneously with the Shares (“foreign common stocks”), exchange-traded preferred stocks, exchange-traded American Depositary Receipts, exchange-traded real estate investment trusts, exchange-traded commodity pools, exchange-traded metals trusts, exchange-traded currency trusts, and exchange-traded futures that trade contemporaneously with the Shares, as well as cash and cash equivalents. With the exception of foreign common stocks and cash and cash equivalents, all holdings of each Fund will be listed on a U.S. national securities exchange.

¹¹ See Investment Company Act Release No. 35486 (March 3, 2025) 90 FR 11445 (March 6, 2025) (File No. 81215606) (the “Amended Application”).

¹² See Investment Company Act Release No. 35517 (March 31, 2025) (File No. 812–15606) (the “Amended Exemptive Order”).

Fully-Transparent Sleeve of the Funds additional flexibility to invest in securities and instruments including fixed income securities, foreign investments that do not trade contemporaneously with the Shares, and derivatives (the “Amended Exemptive Order Investments”).

Pursuant to the Amended Exemptive Relief, for the Fully-Transparent Sleeve, each Fund will comply with the portfolio holdings disclosure requirements of Rule 6c–11 under the Investment Company Act of 1940 (the “1940 Act”) and will publish, on a daily basis, its portfolio holdings only with respect to the Fully-Transparent Sleeve as of the end of the prior business day in accordance with the requirements of Rule 6c–11(c)(1)(i). The remainder of a Funds’ portfolio will invest solely in the permissible investments provided for in the Original Exemptive Relief, which constitutes the Semi-Transparent Sleeve, and will continue to disclose portfolio holdings in a manner consistent with the Original Exemptive Relief. Flexibility to operate the Fully-Transparent Sleeve would allow a Fund to pursue investment strategies similar to those utilized by Exchange-Traded Funds (“ETFs”) that operate pursuant to Rule 6c–11 under the 1940 Act because, with respect to the Fully-Transparent Sleeve only, a Fund would be able to invest in the Amended Exemptive Order Investments not permitted under the Original Exemptive Relief.

Now, the Exchange is submitting this proposal to modify representations made in the Original Order and Original Notice to allow the Funds to operate a Fully-Transparent Sleeve and Semi-Transparent Sleeve and also to expand the list of permissible instruments for the Fully-Transparent Sleeves of each Fund to include the Amended Exemptive Order Investments.¹³ The Fully-Transparent Sleeve would comply with the portfolio holdings disclosure requirements of Rule 6c–11 of the 1940 Act, and both the Fully-Transparent Sleeve and the Semi-Transparent Sleeve would continue to comply with Exchange Rule 14.11(m) (Tracking Fund Shares).

The principal difference between Tracking Fund Shares and ETFs operating under Rule 6c–11 is that, in

¹³ See File No. 812–15606, dated February 24, 2025. The Funds sought the same investment flexibility to choose its investments as ETFs relying on Rule 6c–11 under the 1940 Act (“Rule 6c–11”) subject to the same portfolio holdings disclosure requirements as Rule 6c–11 ETFs with respect to Amended Exemptive Order Investments. The Funds are not able to operate in reliance on Rule 6c–11 under the Amended Exemptive Order because they do not and will not disclose all of their portfolio holdings daily as required by the rule.

lieu of disclosing their full portfolio holdings daily, a series of Tracking Fund Shares provides daily disclosure of the Tracking Basket¹⁴ and discloses its full portfolio holdings within at least 60 days following the end of every fiscal quarter.¹⁵ Under the Amended Exemptive Order, the ratio of the Fully-Transparent Sleeve portion of the Tracking Basket to the total Tracking Basket will correspond to the ratio of the Amended Exemptive Order Investments to the ETF’s aggregate portfolio holdings. The ratio of the Semi-Transparent portion of the Tracking Basket to the total Tracking Basket will correspond to the ratio of all investments other than Amended Exemptive Order Investments to the ETF’s aggregate portfolio holdings.¹⁶ All Amended Exemptive Order Investments held by a Fund will be included in the Fund’s Tracking Basket in their actual weights (*i.e.*, they will be fully disclosed).¹⁷ Additionally, the Funds will continue to publicly disclose the Fund Portfolio¹⁸ within at least 60 days following the end of every fiscal quarter and will be made available to all market participants at the same time as required under Rule 14.11(m)(4)(B)(iii). Consistent with the Amended Exemptive Order, each Fund, to the extent it invests in Amended Exemptive Order Investments, will publish a new Tracking Basket that consists of two distinct portions: (1) a first portion corresponding to the Semi-Transparent Sleeve; and (2) a second portion corresponding to the Fully-Transparent Sleeve that fully discloses all Amended Exemptive Order Investments in a manner consistent with Rule 6c–11(c)(1).

The Exchange also proposes to expand the universe of investments for the Fully-Transparent Sleeve of each Fund. Specifically, the Exchange proposes to provide the Fully-Transparent Sleeve of each Fund the flexibility to invest in the Amended Exemptive Order Investments as well as the permissible investments provided in the Original Exemptive Relief. The Semi-Transparent Sleeve of each Fund would continue to invest only in the permissible investments noted in the Original Order, Original Notice, and the Original Exemptive Relief.

Each of the Funds will comply with the conditions of the Amended Exemptive Order and the Exchange is

¹⁴ See Exchange Rule 14.11(m)(3)(E).

¹⁵ See Exchange Rule 14.11(m)(4)(B)(iii).

¹⁶ See Investment Company Act Release No. 812–15606 (March 31, 2025).

¹⁷ *Id.*

¹⁸ See Exchange Rule 14.11(m)(3)(B).

updating representations in the Original Order and Original Notice accordingly. Except for the changes noted above, all other representations made in the Prior Filings for each of the Funds¹⁹ remain unchanged and will continue to constitute continued listing requirements for each of the Shares.²⁰ Both the Semi-Transparent Sleeve and Fully-Transparent Sleeve of the Funds will continue to comply with all of the requirements of Rule 14.11(m) as the proposal would only add more transparency to the Tracking Basket.

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.²¹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²² 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 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. The proposed amendment would permit each of the Funds the use of a Semi-Transparent Sleeve and Fully-Transparent Sleeve, as provided in the Amended Exemptive Relief. The amendment would also expand the investible universe for the Fully-Transparent Sleeve to include the Amended Exemptive Order Investments in addition to the permitted investments provided in the Original Order, Original Notice, and the Original Exemptive Relief. As the proposed Fully-Transparent Sleeve of each Fund would comply with the portfolio holdings disclosure requirements of Rule 6c–11 of the 1940 Act and Rule 14.11(m), the proposal would only add more transparency to the Tracking Basket. Each of the Funds would continue to comply with the requirements of Rule

14.11(m) and would be able to operate in a manner consistent with the Amended Exemptive Relief.

Except for the changes noted above, all other representations made in the Prior Filings remain unchanged and, as noted, will continue to constitute continued listing requirements for the Funds.

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. As noted, the proposed amendment is intended to permit each Fund to use a Fully-Transparent Sleeve and Semi-Transparent Sleeve, and to expand the investible universe of the Fully-Transparent Sleeve to include the Amended Exemptive Order Investments, as provided in the Amended Exemptive Order. The proposal will allow for the listing and trading of a unique series of Tracking Fund Shares that will encourage competition. The Exchange believes that these changes will not impose any burden on competition.

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

Pursuant to Section 19(b)(3)(A) of the Act²³ and Rule 19b–4(f)(6)²⁴ thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.²⁵

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the

Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)²⁶ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that, pursuant to the Amended Exemptive Order,²⁷ the Funds are permitted to operate a Fully-Transparent Sleeve and Semi-Transparent Sleeve, and that the Fully-Transparent Sleeve of the Funds is able to invest in Amended Exemptive Order Investments. The proposed rule change seeks to revise certain descriptions of the Funds made in the Prior Filings to permit the Funds to operate a Fully-Transparent Sleeve and Semi-Transparent Sleeve, and, with respect to the Fully-Transparent Sleeve, to invest in Amended Exemptive Order Investments, in accordance with the requirements set forth in the Amended Exemptive Order. The Exchange also represents that the Fully-Transparent Sleeve will comply with the portfolio holdings disclosure requirements of Rule 6c–11 under the 1940 Act, and both the Fully-Transparent Sleeve and the Semi-Transparent Sleeve will continue to comply with the requirements of BZX Rule 14.11(m). In addition, the Exchange represents that, except for the changes noted above, all other representations made in the Prior Filings remain unchanged and will continue to constitute continued listing requirements for the Funds. As such, the proposal, which seeks to conform to certain of the requirements of the Amended Exemptive Order (as described above), raises no novel legal or regulatory issues. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.²⁸

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

²³ 15 U.S.C. 78s(b)(3)(A).

²⁴ 17 CFR 240.19b–4(f)(6).

²⁵ 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 days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. *See id.* The Exchange has satisfied this requirement.

²⁶ 17 CFR 240.19b–4(f)(6)(iii).

²⁷ *See supra* note 12 and accompanying text.

²⁸ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

¹⁹ *Supra* note 8.

²⁰ The Funds' use of Custom Baskets would remain the same as described in the Second Subsequent Notice.

²¹ 15 U.S.C. 78f(b).

²² 15 U.S.C. 78f(b)(5).

investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-057 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-2025-057. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-057 and should be submitted on or before May 20, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07315 Filed 4-28-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102921; File No. SR-NYSEARCA-2024-70]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of the COTwo Advisors Physical European Carbon Allowance Trust Under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares)

April 23, 2025.

I. Introduction

On August 19, 2024, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the COTwo Advisors Physical European Carbon Allowance Trust ("Trust") under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares). The proposed rule change was published for comment in the **Federal Register** on September 5, 2024.³

On October 16, 2024, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On November 22, 2024, the Exchange filed Amendment No. 1 to the proposed rule change, and on December 3, 2024, the Commission issued notice of filing of Amendment No. 1 to the proposed rule change and instituted proceedings pursuant to Section 19(b)(2)(B) of the Act⁶ to determine whether to approve

or disapprove the proposed rule change, as modified by Amendment No. 1.⁷ On February 20, 2025, pursuant to Section 19(b)(2) of the Act,⁸ the Commission designated a longer period for Commission action on the proposed rule change.⁹ On March 13, 2025, the Exchange filed Amendment No. 2 to the proposed rule change, and on March 20, 2025, the Exchange withdrew Amendment No. 2. On March 20, 2025, the Exchange filed Amendment No. 3 to the proposed rule change, which amended and replaced the proposed rule change, as modified by Amendment No. 1, in its entirety, and on March 21, 2025, the Commission issued notice of filing of Amendment No. 3 to the proposed rule change.¹⁰ This order grants approval of the proposed rule change, as modified by Amendment No. 3.

II. Description of the Proposal, as Modified by Amendment No. 3

The Exchange proposes to list and trade Shares of the Trust¹¹ under NYSE Arca Rule 8.201-E, which governs the listing and trading of Commodity-Based Trust Shares.¹² The sponsor of the Trust

⁷ See Securities Exchange Act Release No. 101806, 89 FR 97678 (Dec. 9, 2024).

⁸ 15 U.S.C. 78s(b)(2).

⁹ See Securities Exchange Act Release No. 102468, 90 FR 10738 (Feb. 26, 2025). The Commission, pursuant to Section 19(b)(2) of the Act, designated May 3, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change.

¹⁰ See Securities Exchange Act Release No. 102707, 90 FR 13953 (Mar. 27, 2025). Amendment No. 3 is available on the Commission's website at: <https://www.sec.gov/comments/sr-nysearca-2024-70/srnysearca202470-582995-1678942.pdf>.

¹¹ According to the Exchange, on May 12, 2023, the Trust filed with the Commission a registration statement on Form S-1, as amended on January 16, 2024, and April 4, 2024 (File No. 333-271910) ("Registration Statement") under the Securities Act of 1933. The Exchange represents that the Registration Statement is not yet effective, and the Shares will not trade on the Exchange until such time that the Registration Statement becomes effective. The Exchange states that the Trust, which was formed as a Delaware statutory trust on January 12, 2023, will not be registered, and is not required to register, as an investment company under the Investment Company Act of 1940, and is not a commodity pool for purposes of the Commodity Exchange Act, as amended. See Amendment No. 3, *supra* note 10, 90 FR at 13953.

¹² See NYSE Arca Rule 8.201-E(c)(1) (defining Commodity-Based Trust Shares as a security (a) that is issued by a trust that holds (1) a specified commodity deposited with the trust, or (2) a specified commodity and, in addition to such specified commodity, cash; (b) that is 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) that, 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).

²⁹ 17 CFR 200.30-3(a)(12), (59).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 100877 (Aug. 29, 2024), 89 FR 72524. The Commission has not received any comments on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 101360, 89 FR 84406 (Oct. 22, 2024).

⁶ 15 U.S.C. 78s(b)(2)(B).

is COTwo Advisors LLC, a Delaware limited liability company (“Sponsor”); State Street Bank and Trust Company serves as the Trust’s administrator, transfer agent, and custodian of the Trust’s cash, if any (“Cash Custodian”);¹³ and Wilmington Trust serves as trustee of the Trust.

Operation of the Trust¹⁴

The investment objective of the Trust will be for the Shares to reflect the performance of the price of EU Carbon Emission Allowances for stationary installations (“EUAs”), less the Trust’s expenses. The Trust intends to achieve its objective by investing all of its assets in EUAs on a non-discretionary basis (*i.e.*, without regard to whether the value of EUAs is rising or falling over any particular period), and the Trust’s only ordinary recurring expense will be the Sponsor’s annual fee.¹⁵ The Trust may purchase or sell EUAs in connection with the creation or redemption of Shares, and the Trust also may sell EUAs to pay the Sponsor’s annual fee.¹⁶ The Exchange represents that the Trust will not hold any assets other than EUAs and cash, and will not invest in futures, options, options on futures, or swap contracts, and will not hold any EUA derivatives.¹⁷

Description of European Union (“EU”) Emissions Trading Scheme

According to the Exchange, the European Union Emissions Trading System (“EU ETS”) is a “cap and trade” system that caps the total volume of greenhouse gas (“GHG”) emissions from installations and aircraft operators responsible for around 40% of EU GHG

emissions.¹⁸ The EU ETS is administered by the EU Commission, which issues a predefined amount of EUAs through auctions or free allocation.¹⁹ An EUA represents the right to emit one metric ton of carbon dioxide equivalent into the atmosphere by operators of stationary installations (“Covered Entities”).²⁰ By the end of April each year, all Covered Entities are required to surrender EUAs equal to the total volume of actual emissions from their installation for the last calendar year. EU ETS operators can buy or sell EUAs to achieve EU ETS compliance.²¹

In 2012, EU ETS operations were centralized into a single EU registry operated by the EU Commission (“Union Registry”), which covers all countries participating in the EU ETS.²² According to the Exchange, the Union Registry is an online database that holds accounts for all entities covered by the EU ETS, as well as for participants (such as the Trust) not covered under the EU ETS.²³ The Union Registry can be accessed online in a similar manner to online banking systems. An account must be opened in the Union Registry by a legal or natural person before being able to participate in the EU ETS and transact in EUAs.²⁴ The European Union Transaction Log (“EUTL”)²⁵ checks, records, and authorizes all transactions that take place between accounts in the Union Registry to ensure that transfers are in accordance with the EU ETS rules.²⁶ The Exchange represents that the Union Registry is at all times responsible for holding the

EUAs, and all EUAs are held in the Union Registry, regardless of whether the EUAs are acquired through transactions on an exchange or in over-the-counter (“OTC”) transactions.²⁷

Description of EUA Trading Markets

According to the Exchange, there are currently two avenues for trading EUAs: a primary market and a secondary market. The primary market involves participation in a regularly scheduled auction.²⁸ The secondary market involves transactions between buyers and sellers on regulated markets.²⁹ The instruments offered for trading are the following: (1) instruments with a daily expiry, which consist of spot EUAs and the Daily EUA Future (as defined herein); (2) futures contracts with various maturities; and (3) options on futures contracts.³⁰ Spot EUAs are traded exclusively on the European Energy Exchange AG (“EEX”),³¹ and futures contracts and options on futures contracts are traded on EEX, ICE Index

²⁷ See *id.*

²⁸ See Amendment No. 3, *supra* note 10, 90 FR at 13954–13955.

²⁹ See Amendment No. 3, *supra* note 10, 90 FR at 13955.

³⁰ According to the Exchange, the spot and futures markets for EUAs have existed since 2005 after the formal launch of the EU ETS on January 1, 2005. The Exchange states that there are also OTC transactions in EUAs, but they comprise a negligible percentage of transactions. See Amendment No. 3, *supra* note 10, 90 FR at 13955.

³¹ The Exchange states that EEX is an exchange under the German Exchange Act and a Regulated Market (“RM”), as defined in the Markets in Financial Instruments Directive (Directive 2014/65/EC) (“MIFID II”). As an RM for spot and derivatives transactions, EEX is supervised by the Saxon State Ministry for Economic Affairs, Labour and Transport (“Supervisory Authority”). The Supervisory Authority is in charge of the legal supervision of EEX and of market supervision of the trading participants according to the German Exchange Act. The members of EEX are supervised by the Federal Financial Supervisory Authority (BaFin). All trading participants are required to comply with the market abuse regulations within the German Securities Trading Act. Beside this supervision, the market behavior at the spot and derivatives markets of all exchange participants is supervised on a daily basis by the Market Surveillance Office, an independent body of the exchange according to Section 7 of the German Exchange Act. The Exchange further represents that EEX is recognized by the Commodity Futures Trading Commission (“CFTC”) as an authorized Foreign Board of Trade. See <https://www.cftc.gov/sites/default/files/filings/documents/2019/orgeexregistrationorder11519.pdf>.

¹³ According to the Exchange, the Cash Custodian is responsible for holding the Trust’s cash, as well as receiving and dispensing cash on behalf of the Trust. Deposits of cash held by the Cash Custodian will be used in connection with the purchase of an applicable amount of EUAs (as defined herein) for creations and redemptions of Creation Units (as defined in Amendment No. 3) and in connection with the payment of Trust expenses. See Amendment No. 3, *supra* note 10, 90 FR at 13953.

¹⁴ Additional descriptions of the operation of the Trust, Shares, carbon credit industry and markets, creations and redemptions, net asset value (“NAV”) and indicative fund value (“IFV”), availability of information, Exchange trading rules and halts, surveillance, and information bulletin, among other things, can be found in Amendment 3 and the Registration Statement, as applicable. See Amendment No. 3, *supra* note 10, and Registration Statement, *supra* note 11.

¹⁵ See Amendment No. 3, *supra* note 10, 90 FR at 13953.

¹⁶ See Amendment No. 3, *supra* note 10, 90 FR at 13954.

¹⁷ According to the Exchange, the Trust will not hold or trade in commodity futures contracts, “commodity interests,” or any other instruments regulated by the Commodity Exchange Act. See Amendment No. 3, *supra* note 10, 90 FR at 13953–13954.

¹⁸ According to the Exchange, the EU ETS is the largest cap and trade system in the world and covers more than 11,000 power stations and industrial plants in 31 countries, and flights between airports of participating countries. There are two types of EU emissions allowances: (i) general allowances for stationary installations, or EUAs; and (ii) allowances for the aviation sector. The Exchange represents that the Trust will hold EUAs only. See Amendment No. 3, *supra* note 10, 90 FR at 13954.

¹⁹ According to the Exchange, the EU ETS is linked to small emissions trading systems in Europe, but not to any other major cap and trade market. Therefore, allowances handed out in the EU ETS are not transferable to any registry outside of the EU ETS and cannot be used for compliance in any other cap and trade market. See Amendment No. 3, *supra* note 10, 90 FR at 13954.

²⁰ See Amendment No. 3, *supra* note 10, 90 FR at 13954.

²¹ See *id.*

²² See *id.*

²³ See *id.*

²⁴ See *id.*

²⁵ According to the Exchange, the EUTL is a central transaction log that checks and records all transactions taking place within the EU ETS. It is run by the EU Commission and provides access to emission trading data contained in the EUTL. See <https://www.eea.europa.eu/data-and-maps/dashboards/emissions-trading-viewer-1>.

²⁶ See Amendment No. 3, *supra* note 10, 90 FR at 13954.

Markets B.V. (“ICE Endex”),³² and Nasdaq Oslo.³³

According to the Exchange, the single day futures contract on EUAs (“Daily EUA Future”) is exclusively traded on the ICE Endex, which settles each day at the close of trading.³⁴ The Daily EUA Future is a deliverable contract where each person with a position open at cessation of trading is obliged to make or take physical delivery of EUAs upon the expiration of the contract at the end of each trading day.³⁵ Settlement of the Daily EUA Future does not occur through cash transactions.³⁶ Each Daily EUA Future represents one lot of 1,000 EUAs, with each EUA providing an entitlement to emit one ton of carbon dioxide equivalent gas.³⁷ The Exchange represents that the settlement and economic outcome for a spot purchase on the EEX and a same day futures purchase on the ICE Endex are identical.³⁸ In addition, the Exchange states that EEX also offers other monthly EUA futures contracts with various expirations, and options on EUA futures contracts also trade on EEX and ICE Endex for many of the available EUA futures.³⁹

Surveillance

The Exchange states that it has entered into a comprehensive surveillance sharing agreement (“CSSA”) with ICE Endex. Pursuant to the CSSA, the Exchange will communicate as needed regarding trading in the Shares and EUA derivatives, including Daily EUA Futures, with ICE Endex, and the Exchange may obtain trading information regarding trading in the Shares and EUA derivatives, including Daily EUA Futures, from ICE Endex.⁴⁰

³² According to the Exchange, ICE Endex is regulated in the Netherlands by the Dutch Authority for the Financial Markets (AFM) as an RM, as defined in MIFID II. The Exchange represents that ICE Endex is recognized by the CFTC as an authorized Foreign Board of Trade. See <https://www.cftc.gov/sites/default/files/idc/groups/public/@otherif/documents/ifdocs/orgiceeregorder170110.pdf>.

³³ According to the Exchange, Nasdaq Oslo offers a single day futures contract on EUAs, but the contract is not traded. In addition, the Exchange states that Nasdaq Oslo also offers quarterly futures contracts over a rolling six-year period, but currently, there is only *de minimis* trading volume in such futures, and that Nasdaq Oslo’s market share to date has been marginal. See Amendment No. 3, *supra* note 10, 90 FR at 13955.

³⁴ See Amendment No. 3, *supra* note 10, 90 FR at 13956.

³⁵ See *id.*

³⁶ See *id.*

³⁷ See *id.*

³⁸ See Amendment No. 3, *supra* note 10, 90 FR at 13958.

³⁹ See *id.*

⁴⁰ See Amendment No. 3, *supra* note 10, 90 FR at 13963.

In addition, the Exchange represents that EEX is a member of the Intermarket Surveillance Group (“ISG”).⁴¹ Pursuant to its membership in ISG, EEX is obligated, and has undertaken a commitment, to share information, including, without limitation, with respect to spot EUAs, with other ISG members, including the Exchange, on an as-needed basis when such surveillance-sharing information is used for regulatory purposes.⁴²

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.⁴³ In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with Section 6(b)(5) of the Act,⁴⁴ which requires, among other things, that the Exchange’s rules be designed to prevent fraudulent and manipulative acts and practices and, in general, to protect investors and the public interest; and with Section 11A(a)(1)(C)(iii) of the Act,⁴⁵ which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

A. Exchange Act Section 6(b)(5)

The Commission has previously recognized that surveillance-sharing agreements assist in the detection and deterrence of fraudulent and manipulative activity.⁴⁶ The

⁴¹ See Amendment No. 3, *supra* note 10, 90 FR at 13958.

⁴² See Amendment No. 3, *supra* note 10, 90 FR at 13963.

⁴³ In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁴⁴ 15 U.S.C. 78f(b)(5).

⁴⁵ 15 U.S.C. 78k–1(a)(1)(C)(iii).

⁴⁶ See, e.g., Securities Exchange Act Release No. 35518 (Mar. 21, 1995), 60 FR 15804, 15807 (Mar. 27, 1995) (SR–Amex–94–30) (approving the exchange listing and trading of Commodity Linked Notes). In that matter, the Commission stated that the listing exchange had comprehensive surveillance-sharing agreements with all of the exchanges upon which the futures contracts overlying the notes traded and was able to obtain market surveillance information, including customer identity information, for transactions occurring on NYMEX and other futures exchanges. See *id.* at 15807 n.21; see also Securities Exchange Act Release No. 36885 (Feb. 26, 1996), 61 FR 8315, 8319 n.17 (Mar. 4, 1996) (SR–Amex–95–50)

Commission also has stated that it considers two markets that are members of the ISG to have a comprehensive surveillance-sharing agreement with one another, even if they do not have a separate bilateral surveillance-sharing agreement.⁴⁷

As stated in Amendment No. 3, the Trust will seek to achieve its objective by holding only spot EUAs and possibly cash and will not hold any EUA derivatives. According to the Exchange, spot EUAs are traded exclusively on EEX, which is a member of ISG and is registered with the CFTC as an

(approving the exchange listing and trading of Commodity Indexed Securities, and stating: (a) that through the comprehensive surveillance-sharing agreements, the listing exchange was able to obtain market surveillance information, including customer identity information, for transactions occurring on NYMEX and COMEX and that, through the ISG information-sharing agreement, the listing exchange was able to obtain, upon request, surveillance information with respect to trades effected on the London Metal Exchange, including client identity information and (b) that, if a different market were utilized for purposes of calculating the value of a designated futures contract, the listing exchange had represented that it would ensure that it entered into a surveillance-sharing agreement with respect to the new relevant market). The Commission has made similar statements about surveillance-sharing agreements with respect to the listing and trading of stock-index, currency, and currency-index warrants. See, e.g., Securities Exchange Act Release No. 36166 (Aug. 29, 1995), 60 FR 46660 (Sept. 7, 1995) (SR–PSE–94–28) (approving a proposal to adopt uniform listing and trading guidelines for stock-index, currency, and currency-index warrants). Specifically, the Commission stated that “a surveillance sharing agreement should provide the parties with the ability to obtain information necessary to detect and deter market manipulation and other trading abuses” and stated that the Commission “generally requires that a surveillance sharing agreement require that the parties to the agreement provide each other, upon request, information about market trading activity, clearing activity, and the identity of the ultimate purchasers for securities.” *Id.* at 46665 n.35. In addition, the Commission stated that “[t]he ability to obtain relevant surveillance information, including, among other things, the identity of the ultimate purchasers and sellers of securities, is an essential and necessary component of a comprehensive surveillance sharing agreement.” *Id.* at 46665 n.36.

⁴⁷ See Amendment to Rule Filing Requirements for Self-Regulatory Organizations Regarding New Derivative Securities Products, Securities Exchange Act Release No. 40761 (Dec. 8, 1998), 63 FR 70952, 70959 (Dec. 22, 1998) (stating the importance of ISG, which “was formed to coordinate, among other things, effective surveillance and investigative information sharing arrangements in the stock and options markets,” and that, if an exchange trades component securities underlying a new derivative securities product and is not a member of the ISG, the exchange seeking to list and trade such new derivative securities product should enter into a comprehensive information sharing agreement with the non-ISG market, and conversely, if an exchange seeks to list and trade a new derivative securities product and is not a member of the ISG, such exchange should enter into a comprehensive information sharing agreement with each market that trades securities underlying the new derivative securities product).

authorized Foreign Board of Trade.⁴⁸ In addition, although the Trust will not hold any EUA derivatives, the Exchange states that Daily EUA Futures market is “the functional equivalent of a ‘spot’ market for EUAs” as the “settlement, functionality and economic outcome for a spot purchase on the EEX and a Daily EUA future purchase . . . are identical.”⁴⁹ ICE Endex offers trading in EUA derivatives, including Daily EUA Futures traded exclusively on ICE Endex, other EUA futures, and options on futures.⁵⁰ The Exchange states that it has entered into CSSA with ICE Endex, which is registered with the CFTC as an authorized Foreign Board of Trade, and that, pursuant to the CSSA, the Exchange will communicate as needed regarding trading in the Shares and EUA derivatives, including Daily EUA Futures, with ICE Endex, and the Exchange may obtain trading information regarding trading in the Shares and EUA derivatives, including Daily EUA Futures, from ICE Endex.

Based on the record before it, the Commission is able to conclude that the Exchange’s surveillance sharing agreement by virtue of EEX’s ISG membership, with respect to the spot EUAs proposed to be held by the Trust, and the Exchange’s CSSA with ICE Endex, with respect to EUA derivatives, including Daily EUA Futures, can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices with respect to the spot EUAs proposed to be held by the Trust. These agreements, whether through ISG membership or CSSAs, should help to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Shares of the Trust less readily susceptible to manipulation. The Commission therefore finds that the proposed rule change, as modified by Amendment No. 3, is consistent with

Section 6(b)(5) of the Act,⁵¹ which requires, among other things, that the Exchange’s rules be designed to prevent fraudulent and manipulative acts and practices and, in general, to protect investors and the public interest.

B. Exchange Act Section 11A(a)(1)(C)(iii)

The proposed rule change, as modified by Amendment No. 3, sets forth aspects of the Trust, including the availability of EUA pricing and market information, transparency of Trust holdings, and types of surveillance procedures, that are consistent with other exchange-traded products that the Commission has approved.⁵² This includes commitments regarding: the availability via the Consolidated Tape Association of quotation and last-sale information for the Shares; the availability on the Trust’s website of certain information related to the Trust and the Shares, including NAV; the dissemination of the IFV by one or more major market data vendors, updated every 15 seconds throughout the Exchange’s regular trading hours; the Exchange’s surveillance procedures and ability to obtain information regarding trading in the Shares of the Trust and trading in the spot EUAs traded on EEX and other EUA derivatives traded on both EEX and ICE Endex; the conditions under which the Exchange would implement trading halts and suspensions; and the requirements of registered market makers in the Shares of the Trust. In addition, the Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange’s rules governing the trading of equity securities.⁵³ Further, the applicable listing rule of the Exchange requires that all statements and representations made in its filing regarding, among others, the description of the portfolio or reference assets, limitations on such portfolio holdings or reference assets, and the applicability of the Exchange’s listing

rules specified in the filing, will constitute continued listing requirements.⁵⁴ Moreover, the proposed rule change states that the Trust has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the applicable continued listing requirements; pursuant to obligations under Section 19(g)(1) of the Exchange Act, the Exchange will monitor for compliance with the continued listing requirements; and if the Exchange becomes aware that the Trust is not in compliance with the applicable listing requirements, that Exchange will commence delisting procedures.⁵⁵

The Commission therefore finds that the proposed rule change, as modified by Amendment No. 3, is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately, to prevent trading when a reasonable degree of transparency cannot be assured, to safeguard material non-public information relating to the Trust’s holdings, and to ensure fair and orderly markets for the Shares of the Trust.

IV. Conclusion

This approval order is based on all of the Exchange’s representations and descriptions in the proposed rule change, as modified by Amendment No. 3, which the Commission has carefully evaluated as discussed above. For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, Section 6(b)(5) and Section 11A(a)(1)(C)(iii) of the Act.⁵⁶

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁵⁷ that the proposed rule change (SR–NYSEARCA–2024–70), as modified by Amendment No. 3, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁸

Sherry R. Haywood,
Assistant Secretary.

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⁴⁸ See *supra* note 31 and accompanying text. Pursuant to its membership in ISG, EEX is obligated, and has undertaken a commitment, to share information, including, without limitation, with respect to spot EUAs, with other ISG members, including the Exchange. See *supra* note 42 and accompanying text.

⁴⁹ See Amendment No. 3, *supra* note 10, 90 FR at 13958.

⁵⁰ See *supra* note 34 and accompanying text. See also *supra* note 33 and accompanying text (noting that EUA single day futures contracts on Nasdaq Oslo are not traded and that there is only *de minimis* trading volume on Nasdaq Oslo in certain quarterly futures contracts). The Commission previously found that ICE Endex is a significant regulated market with respect to EUA futures. See Securities Exchange Act Release No. 101641 (Nov. 15, 2024), 89 FR 92252, at 92264–65 (Nov. 21, 2024) (SR–NYSEARCA–2024–27).

⁵¹ 15 U.S.C. 78f(b)(5). For avoidance of doubt, a surveillance-sharing agreement is not the only means by which an exchange may demonstrate consistency with Section 6(b)(5) of the Act.

⁵² See, e.g., Securities Exchange Act Release No. 61220 (Dec. 22, 2009), 74 FR 68895 (Dec. 29, 2009) (SR–NYSEARCA–2009–94) (Order Granting Approval of Proposed Rule Change Relating To Listing and Trading Shares of the ETFS Palladium Trust); and Securities Exchange Act Release No. 94518 (Mar. 25, 2022), 87 FR 18837 (Mar. 31, 2022) (SR–NYSEARCA–2021–65) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Spott ESG Gold ETF Under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares)).

⁵³ See Amendment No. 3, *supra* note 10, 90 FR at 13963.

⁵⁴ See NYSE Arca Rule 8.201–E, Commentary .04. See also Amendment No. 3, *supra* note 10, 90 FR at 13964.

⁵⁵ See Amendment No. 3, *supra* note 10, 90 FR at 13964.

⁵⁶ 15 U.S.C. 78f(b)(5); 15 U.S.C. 78k–1(a)(1)(C)(iii).

⁵⁷ 15 U.S.C. 78s(b)(2).

⁵⁸ 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102918; File No. SR-PEARL-2025-17]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 2625 To Introduce a New Data Product Known as the U.S. Equity Short Volume & Trades Report

April 23, 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 April 14, 2025, MIAX PEARL, LLC (“MIAX Pearl” or “Exchange”),³ 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.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 2625 to introduce a new data product to be known as the U.S. Equity Short Volume & Trades Report.

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-equities/pearl-equities/rule-filings>, at MIAX Pearl’s principal office, 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, MIAX Pearl 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. MIAX Pearl 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 2625 to adopt a new subparagraph 2625(b)(1)(i) in order to introduce a new data product to be known as the U.S. Equity Short Volume & Trades Report. A description of market data products offered by the Exchange is provided in Exchange Rule 2625 and proposed Exchange Rule 2625(b)(1)(i) provides that the U.S. Equity Short Volume & Trades Report is a report that will contain both an end-of-day short volume report and an end-of-month report that provides a record of all short sale transactions for the month. The Exchange’s proposed U.S. Equity Short Volume & Trades Report is substantively similar to the same-named reports offered by Cboe BZX Exchange, Inc. (“BZX Equities”), Cboe EDGX Exchange, Inc. (“EDGX Equities”), Cboe BYX Exchange, Inc. (“BYX Equities”), and Cboe EDGA Exchange, Inc. (“EDGA Equities”).⁴

The proposed end-of-day report (“EOD Report”) included within the U.S. Equity Short Volume & Trades Report will summarize certain equity trading activity on the Exchange, including trade date,⁵ total trade volume,⁶ sell short trade volume,⁷ and sell short exempt trade volume,⁸ by symbol.⁹ The proposed end-of-month report (“EOM Report”) included in the U.S. Equity Short Volume & Trades Report will provide a record of all short sale transactions for the month, including trade date and time (in

nanoseconds),¹⁰ trade size,¹¹ trade price,¹² and type of short sale execution,¹³ by symbol and exchange.¹⁴ The U.S. Equity Short Volume & Trades Report will be available for purchase to both Equity Members¹⁵ as well as non-Members.¹⁶

As noted herein, the data fields proposed to be included in the proposed EOD Report and EOM Report are substantively similar to the data fields included by BZX Equities, BYX Equities, EDGX Equities and EDGA Equities in their reports of the same name.¹⁷

Both the EOD Report and EOM Report will be included in the cost of the U.S. Equity Short Volume & Trades Report and will be available for purchase by both Equity Members and non-Members on an annual or monthly subscription basis. At this time, the Exchange does not propose to offer historical data in the EOD Report and EOM Report.¹⁸

The Exchange anticipates that a wide variety of market participants will purchase the proposed U.S. Equity Short Volume & Trades Report, including, but not limited to, active equity trading firms and academic

¹⁰ “Trade date and time” is the date and time of trading activity in yyyy-mm-dd hh:mm:ss.mmm.nnnnnn (nanoseconds) ET format. This data point is substantively similar to the trade date and time data point included in the Cboe family of exchanges’ reports, except that the Cboe family of exchanges’ reports are in microseconds. See Cboe Short Sale Report Spec. *supra* note 5.

¹¹ “Trade size” is the number of shares transacted. This data point is included in the Cboe family of exchanges’ reports. See *id.*

¹² “Trade price” is the price at which shares were transacted. This data point is included in the Cboe family of exchanges’ reports. See *id.*

¹³ “Short sale type” is a data field that will indicate whether the transaction was a short sale or short sale exempt transaction. A short sale transaction is a transaction in which a seller sells a security which the seller does not own, or the seller has borrowed for its own account. See 17 CFR 242.200. A short sale exempt transaction is a short sale transaction that is exempt from the short sale price test restrictions of Regulation SHO Rule 201. See 17 CFR 242.201(c). This data point is included in the Cboe family of exchanges’ reports. See *id.*

¹⁴ “Exchange” is the market identifier (H = PEARL).

¹⁵ The term “Equity Member” is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. See Exchange Rule 1901.

¹⁶ The Exchange intends to submit a separate filing to establish fees for the U.S. Equity Short Volume & Trades Report.

¹⁷ See *supra* note 5. See also, e.g., Securities Exchange Act Release No. 97304 (April 13, 2023), 88 FR 24246 (April 19, 2023) (SR-CboeBZX-2023-024).

¹⁸ The Exchange notes that this differs from the Cboe family of exchanges’ reports, which currently offer historical data. See fee schedules for BZX Equities, BYX Equities, EDGX Equities, and EDGA Equities, available at <https://www.cboe.com/us/equities/membership/pricing/> (last visited April 3, 2025) (providing users the ability to purchase historical US Equity Short Volume & Trades Report data on a per month basis).

¹ 15 U.S.C. 78a.

² 17 CFR 240.19b-4.

³ All references to “MIAX Pearl” in this filing are to MIAX Pearl Equities, the equities trading facility of MIAX PEARL, LLC. See Exchange Rule 1901.

⁴ See BZX Equities Rule 11.22(f); BYX Equities Rule 11.22(f); EDGX Equities Rule 13.8(h); and EDGA Equities Rule 13.8(h).

⁵ “Trade date” is the date of trading activity in yyyy-mm-dd format. This is the same format as is currently provided in the Cboe family of exchanges’ reports. See Cboe U.S. Equity Short Volume & Trades Report Product Specifications, v1.0, available at https://datashop.cboe.com/documents/CboeEquityShortVol_Trades_Spec.pdf (last visited April 2, 2025) (“Cboe Short Sale Report Spec”).

⁶ “Total trade volume” is the total number of shares transacted. This data point is included in the Cboe family of exchanges’ reports. See *id.*

⁷ “Sell short trade volume” is the total number of shares sold short. This data point is included in the Cboe family of exchanges’ reports. See *id.*

⁸ “Sell short exempt trade volume” is the total number of shares sold short classified as exempt. This data point is included in the Cboe family of exchanges’ reports. See *id.*

⁹ “Symbol” refers to the MIAX Pearl Equities formatted symbol in which the trading activity occurred. See <https://www.miaxglobal.com/markets/us-equities/pearl-equities/listings>.

institutions. For example, the Exchange notes that academic institutions may utilize the U.S. Equity Short Volume & Trades Report data and as a result promote research and studies of the equities industry to the benefit of all market participants. The Exchange further believes the proposed U.S. Equity Short Volume & Trades Report may provide helpful trading information regarding investor sentiment that may allow market participants to make more informed trading decisions and may be used to create and test trading models and analytical strategies and provide comprehensive insight into trading on the Exchange. The proposed U.S. Equity Short Volume & Trades Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make this data available and that potential subscribers may purchase it only if they voluntarily choose to do so.

The Exchange also proposes to amend the heading of Exchange Rule 2625 to now be “Proprietary Data Products and Reports”. The Exchange proposes to add two subheadings under Rule 2625, which are “(a) Proprietary Market Data Products” and “(b) Reports”. The currently available data products provided by the Exchange are Depth of Market Feed, Top of Market Feed, and Historical Data, which would fall under proposed Exchange Rule 2625(a). Subparagraphs (a)–(c) of Exchange Rule 2625 will be renumbered as (a)(1)(i)–(a)(1)(iii). The proposed U.S. Equity Short Volume & Trades Report would fall under proposed subparagraph (b)(1)(i) of Exchange Rule 2625. The purpose of these changes is to provide consistency and clarity in the Exchange’s Rulebook regarding available market data products and reports.

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.¹⁹ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁰ 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)²¹ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (“SROs”) and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the proposed U.S. Equity Short Volume & Trades Report would further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The proposal also promotes increased transparency through the dissemination of short volume and short sale execution data. The proposed rule change would benefit investors by providing access to the U.S. Equity Short Volume & Trades data, which may promote better informed trading, as well as research and studies of the equities industry.

Moreover, as noted above, the Cboe family of exchanges offer substantively similar reports on a daily and monthly basis via a short sale file.²² The Cboe reports provide data that is substantively similar to the offering proposed by the Exchange. The proposed EOD Report that will be offered as one component of the U.S. Equity Short Volume & Trades Report will contain trade date, total trade volume, sell short trade volume, and sell short exempt trade volume by symbol, which is substantially similar to the Cboe family of exchanges’ daily short volume product offerings.²³ The proposed EOM Report that will be offered as the second component of the U.S. Equity Short Volume & Trades Report will contain date, time, size, price, short sale type, market center, and symbol, which is nearly identical to the data fields found within the Cboe family of exchanges’ monthly short volume reports.²⁴ As stated previously, the Exchange’s EOM Report is nearly identical to the Cboe family of exchanges’ monthly reports in that the

Exchange will offer substantively similar data fields. Accordingly, the proposed U.S. Equity Short Volume & Trades Report does not provide a unique or novel data offering, but rather offers data points consistent with other data products already available and utilized by market participants today.

The Exchange believes the proposed changes to the headings and subparagraphs in Exchange Rule 2625 will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule changes will provide greater clarity to Equity Members and the public regarding the Exchange’s Rulebook regarding available market data products and reports.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposal will promote fair competition among the national securities exchanges by permitting the Exchange to offer a data product that provides substantially the same data offered by other equities exchanges.²⁵ The Exchange’s proposed U.S. Equity Short Volume & Trades Report will contain both an EOD Report and an EOM Report, both of which are nearly identical to the Cboe family of exchanges’ data product offerings.

Intermarket Competition

Additionally, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The U.S. Equity Short Volume & Trades Report will be available equally to Equity Members and non-Members. Market participants are not required to purchase the U.S. Equity Short Volume & Trades Report, and the Exchange is not required to make the U.S. Equity Short Volume & Trades Report available. Rather, the Exchange is voluntarily making the U.S. Equity Short Volume & Trades Report available, as requested by customers,

²¹ *Id.*

²² See *supra* note 5.

²³ See *supra* notes 6, 7, 8 and 9.

²⁴ See *supra* notes 10, 11, 12, 13, and 14.

²⁵ See *supra* note 5.

¹⁹ 15 U.S.C. 78f(b).

²⁰ 15 U.S.C. 78f(b)(5).

and market participants may choose to receive (and, subject to filing by the Exchange, pay for) this data based on their own business needs. Potential purchasers may request the data at any time if they believe it to be valuable or may decline to purchase such data. Given the above, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

* * * * *

The Exchange does not believe that the proposed changes to the headings and subparagraphs in Exchange Rule 2625 will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes the proposed changes will not impose any burden on intramarket because the rules of the Exchange apply to all Equity Members equally. The proposed rule changes to the headings and subparagraphs in Exchange Rule 2625 will have no impact on competition as they are not designed to address any competitive issue but rather are designed to provide added clarity to the Exchange's Rulebook.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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) of the Act²⁶ and Rule 19b-4(f)(6)²⁷ thereunder. Because the foregoing 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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁸ and Rule 19b-4(f)(6)²⁹ thereunder.

²⁶ 15 U.S.C. 78s(b)(3)(A).

²⁷ 17 CFR 240.19b-4(f)(6).

²⁸ 15 U.S.C. 78s(b)(3)(A).

²⁹ 17 CFR 240.19b-4(f)(6). 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, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time

A proposed rule change filed under Rule 19b-4(f)(6)³⁰ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),³¹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that its proposed U.S. Equity Short Volume & Trades Report is nearly identical to the US Equity Short Volume & Trades Reports provided by the Cboe family of exchanges, and that introduction of its proposed report will promote competition among the national securities exchanges. For these reasons, and because the proposed rule change does not raise any novel legal or regulatory issues, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.³²

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 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

as designated by the Commission. The Exchange has satisfied this requirement.

³⁰ 17 CFR 240.19b-4(f)(6).

³¹ 17 CFR 240.19b-4(f)(6)(iii).

³² For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

- Send an email to rule-comments@sec.gov. Please include file number SR-PEARL-2025-17 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-PEARL-2025-17. 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-PEARL-2025-17 and should be submitted on or before May 20, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-07313 Filed 4-28-25; 8:45 am]

BILLING CODE 8011-01-P

³³ 17 CFR 200.30-3(a)(12), (59).

DEPARTMENT OF STATE**[Public Notice: 12708]****Notice of Public Meeting in Preparation for International Maritime Organization TC 75 Meeting**

The Department of State will conduct a public meeting at 10 a.m. on Tuesday, May 27, 2025, both in-person at Coast Guard Headquarters in Washington, DC, and via teleconference through Microsoft Teams. The primary purpose of the meeting is to prepare for the 75th session of the International Maritime Organization's (IMO) Technical Cooperation Committee (TC 75) to be held at the IMO Headquarters in London, United Kingdom from Monday, June 1, to Friday, June 4, 2025.

Members of the public may participate up to the capacity of the teleconference phone line, which can handle 500 participants or up to the seating capacity of the room if attending in-person. The meeting location will be the United States Coast Guard Headquarters, 5PS Conference Room, and the teleconference line will be provided to those who RSVP. To RSVP, participants should contact the meeting coordinator, LT Emily Sysko, by email at Emily.T.Sysko@uscg.mil. LT Sysko will provide access information for in-person and virtual attendance.

The agenda items to be considered at this meeting mirror those to be considered at TC 75, and include:

- Adoption of the agenda
- Work of other bodies and organizations
- Technical Cooperation Planning and Reporting: Annual Report for 2024 and Integrated Technical Cooperation Programme (ITCP) and Technical Cooperation Fund Allocation for 2026 and 2027
- Resource mobilization and partnerships
- The 2030 Agenda for Sustainable Development
- The Capacity-Building Decade 2021–2030 Strategy
- Regional presence and coordination
- IMO Member State Audit Scheme
- Capacity-building: Strengthening the impact of women in the maritime sector
- Global maritime training institution
- Status of implementation of the recommendations from the report of the evaluation of the ITCP activities for the period 2020–2030
- Application of the Committee's method of work
- Work programme
- Election of Chair and Vice-Chair for 2026

- Any other business
- Consideration of the report of the Committee on its seventy-fifth session

Please note: The IMO may, on short notice, adjust the TC 75 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be reported to those who RSVP.

Those who plan to participate may contact the meeting coordinator, LT Emily Sysko, by email at Emily.T.Sysko@uscg.mil, by phone at (202) 372–1376, or in writing at United States Coast Guard (CG–5PS), ATTN: LT Emily Sysko, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington DC 20593–7509. Members of the public needing reasonable accommodation should advise LT Emily Sysko no later than May 13, 2025. Requests made after that date will be considered but might not be possible to fulfill. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's. This building is accessible by taxi, public transportation, and privately owned conveyance (upon advanced request).

Additional information regarding this and other IMO public meetings may be found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656 and 5 U.S.C. 552)

Leslie W. Hunt,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2025–07362 Filed 4–28–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE**[Public Notice: 12704]**

**Bureau of Political-Military Affairs,
Directorate of Defense Trade Controls:
Notifications to the Congress of
Proposed Commercial Export Licenses**

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to Congress on the dates indicated.

DATES: The dates of notification to Congress are as shown on each of the 28 Letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at <https://www.pmdtcc.state.gov/ddtc> public and

select “Contact DDTC,” then scroll down to “Contact the DDTC Response Team” and select “Email.” Please add this subject line to your message, “ATTN: Congressional Notification of Licenses.”

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner.

The following comprise recent such notifications and are published to give notice to the public.

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–069.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK for the manufacture of a precision guided munition system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:
Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–074.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please

find enclosed a certification of a proposed amendment for the export of defense articles, including technical data, and defense services in the amount of \$1,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel to support the manufacture of rifle, machine gun, and remote weapon system parts.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–103.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 caliber and 7.62mm machine guns to Qatar.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–104.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE to support the integration, installation, operation, training, testing, maintenance, and repair of a command-and-control system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–006.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including

technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Singapore to support the integration, installation, maintenance, and sustainment of navigation systems for aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relation
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 9, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–008.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm light machine guns and suppressors to Israel.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations

Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

July 23, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–091.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Türkiye and the UK to support the manufacture, assembly, maintenance, testing, procurement, delivery, and repair of Missile Control Actuator Sections.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC–24–015.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to

Germany to support the design, development, assembly, engineering, integration, operation, modification, test, analysis, qualification, repair and rework, training, and manufacture of missile cryogenic coolers and expander assemblies.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–017.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Bahrain, Belgium, Chile, Denmark, Egypt, Greece, Iraq, Israel, Italy, Jordan, Morocco, Netherlands, Norway, Oman, Pakistan, Poland, Portugal, Singapore, Republic of Korea, Taiwan, Türkiye, the United Arab Emirates, and the United States to support the manufacture of fighter aircraft components, parts, and related equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the

Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–025.

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Poland and the UK to support the production, assembly, disassembly, final assembly, repair, test verification, maintenance, sustainment, and environmental stress screening of missile control sections and motors.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–028.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm carbines and related parts to Kosovo.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-032.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada to support the manufacture of propulsion system subcomponents for use in naval nuclear reactors in U.S. Naval Surface Vessels and Submersibles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the

Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-041.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of .338 caliber fully automatic machine guns, suppressors, and related parts to Israel.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-044.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and

defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the exchange of defense articles, including technical data, and defense services to Germany and Norway to support the sale, co-production, and assembly of radar systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-045.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export to Netherlands and Ukraine of individual weapon sights.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,

*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

August 8, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–100.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel of Joint Direct Attack Munition variants and Small Diameter Bomb Increment I variants.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

September 5, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–030.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more and for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to

Canada to support the manufacture of optical components and subassemblies for missiles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

September 5, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–039.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Norway to support the manufacture, production, test, and inspection of vertical tail control surfaces and conventional edges, composite sub-assemblies and structural parts, including skins, covers for the forward fuselage, and associated detail parts of the wing components and auxiliary/associated detail parts for military aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

September 11, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–058.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm and 7.62mm sound suppressors to Sweden.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 11, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–059.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm fully automatic machine guns and associated barrel assemblies to Ukraine.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 11, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–065.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Belgium, Finland, and the UK to support the maintenance, repair, and overhaul of aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 16, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–038.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy to support analysis of aircraft, avionics, mission systems, modifications, upgrades, maintenance, logistics support programs, support infrastructure, and integration within Italy of commercial aircraft modified for electronic attack.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 16, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–050.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm automatic rifles to Ukraine.

The U.S. government is prepared to license the export of these items having

considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 16, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–057.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed agreement amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia related to the upgrade and replacement of tactical radios.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 16, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–064.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 5.56mm, 7.62mm, and .300 caliber fully automatic rifles, suppressors, and related parts to Sweden.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 25, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–048.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Kingdom of Saudi Arabia and Singapore to support the manufacture of ammunition.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification

which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 25, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–034.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of 7.62mm fully automatic weapon systems and related parts to Indonesia.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

September 25, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–035.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license

amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Singapore for the sale, modification, and follow-on support of military aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoglu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

Michael J. Vaccaro,

*Deputy Assistant Secretary, Directorate of
Defense Trade Controls, Department of State.*

[FR Doc. 2025–07337 Filed 4–28–25; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 12705]

**Bureau of Political-Military Affairs,
Directorate of Defense Trade Controls:
Notifications to the Congress of
Proposed Commercial Export Licenses**

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to Congress on the dates indicated.

DATES: The dates of notification to Congress are shown on each of the 33 Letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663–3310; or access the DDTC website at <https://www.pmdtcc.state.gov/ddtc> public and select “Contact DDTC,” then scroll down to “Contact the DDTC Response Team” and select “Email.” Please add this subject line to your message, “ATTN: Congressional Notification of Licenses.”

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner.

The following comprise recent such notifications and are published to give notice to the public.

April 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–027.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Senegal of fully automatic rifles.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–063.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of fully automatic rifles,

suppressors, and related components to Sweden.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–070.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the manufacture of sonar towed body systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–073.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel to support the manufacture, design, development, fabrication, assembly, testing and repair of helicopter tail booms, tail cones, tail rotor pylons stabilators and folding rotor blade systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 23–079.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Switzerland to support the transfer of manufacturing know-how to produce hardware for aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 17, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–087.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to France and Spain to support the design, development, modification, delivery, installation, maintenance, overhaul, and repair of submarines parts.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 17, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–092.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Brazil of 5.56mm fully automatic rifles.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary of State, Bureau of
Legislative Affairs.*

April 17, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–004.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of fully automatic .50 caliber machine guns to Ukraine.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification

which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary of State, Bureau of
Legislative Affairs.*

April 25, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–088.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy to support the final assembly and check-out facility of fighter aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

April 25, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–093.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed

a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Ukraine of .50 caliber fully automatic machine guns.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary of State, Bureau of
Legislative Affairs.*

May 1, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–003.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of suppressors to Norway.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,

*Assistant Secretary, Bureau of
Legislative Affairs.*

May 8, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–075.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Finland, the Netherlands, and the UK to support the manufacture of aircraft in-flight operating doors and drag chute assemblies, including subassemblies.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

May 8, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–081.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the UK to support the marketing, development, testing, delivery,

modification, update, upgrade, enhancement, operation, and maintenance training of small, unmanned aerial systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary, Bureau of
Legislative Affairs.*

May 16, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–071.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of fully automatic rifles to Ecuador.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary of State, Bureau of
Legislative Affairs.*

May 21, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–026.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 cal fully automatic machine guns to Ukraine.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Naz Durakoğlu,
*Assistant Secretary of State, Bureau of
Legislative Affairs.*

June 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–098.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Luxembourg and Mexico to support the manufacture of military aircraft engine components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–099.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the manufacture of missile launch canisters.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–001.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please

find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea and Singapore to support the manufacture, customer support, installation, integration, maintenance, operation, overhaul, repair, demonstration, testing and training of radio systems.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–002.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to India to support the maintenance and sustainment of maritime patrol aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-013.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Poland to support the manufacture, assembly, inspection, and delivery of aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-021.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the

export of 5.56mm fully automatic machine guns and spare parts to Ukraine.

The U.S. government is prepared to license the export of these items having considered political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-037.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, in the amount of \$14,000,000 or more.

The transaction contained in the attached certification involves the export to Ukraine of armored personnel carriers.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 6, 2024**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-042.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles in the amount of \$14,000,000 or more.

The transaction contained in the attached certification involves the export to Ukraine of armored support vehicles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 11, 2024**Congressional Notification Transmittal Letter**

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-033.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of vehicles, basic spare parts packages, and technical data to Ukraine and Germany to support training.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the

Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23–095.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to France, Italy, and Germany to support the integration, installation, operation, training, testing, maintenance, and repair of guided bombs.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–009.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed

a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Philippines to support the delivery, spares, support, equipment, training, and support services of cargo aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–011.

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more and the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Mexico to support the manufacture, production, assembly, integration, maintenance, operation, overhaul, repair, demonstration, and testing of air and ground data terminals for unmanned aerial vehicles.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–012.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan to support the manufacture of aircraft engines.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Acting Assistant Secretary, Bureau of
Legislative Affairs.*

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24–016.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including

technical data, and defense services to Mexico to support the manufacture of lightweight titanium and aluminum alloy aircraft parts, engine parts and components for multiple military aircraft platforms.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
Assistant Secretary, Bureau of
Legislative Affairs.

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-019.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of .50 cal heavy machine guns to Brazil.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
Acting Assistant Secretary, Bureau of
Legislative Affairs.

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-022.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia, Finland, and Norway to support a surface-to-air missile system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
Acting Assistant Secretary, Bureau of
Legislative Affairs.

June 22, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 24-029.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Switzerland to support the procurement of 5.56mm automatic rifles, sound suppressors, parts and ammunition.

The U.S. government is prepared to license the export of these items having taken into account political, military,

economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
Acting Assistant Secretary, Bureau of
Legislative Affairs.

June 28, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number:
DDTC 23-097.

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel and the UK to support the demonstration, training, integration, development, testing, installation, assembly, modification, troubleshooting, operation, and system integration of ground vehicles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.

June 28, 2024

Congressional Notification Transmittal Letter

Please find enclosed the following notification from the Department of State.

Department Notification Number: DDTC 24–023.

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia to support the production, manufacture, and assembly of warhead multi-piece kits and launch pod containers.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Recipients:

Speaker of the House of Representatives
House Committee on Foreign Affairs
Senate Committee on Foreign Relations
Sincerely,
Philip G. Laidlaw,
*Principal Deputy Assistant Secretary,
Bureau of Legislative Affairs.*

Michael J. Vaccaro,

*Deputy Assistant Secretary, Directorate of
Defense Trade Controls, Department of State.*

[FR Doc. 2025–07338 Filed 4–28–25; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2024–2248; Summary Notice No. –2025–25]

Petition for Exemption; Summary of Petition Received; A & P Helicopters, Inc.

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief

from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 19, 2025.

ADDRESSES: Send comments identified by docket number FAA–2024–2248 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nondie Hemphill at (202) 267–6930, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Dan Ngo,

Manager, Part 11 Petitions Branch, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2024–2248.

Petitioner: A & P Helicopters, Inc.

Section(s) of 14 CFR Affected: § 135.293(b).

Description of Relief Sought: A & P Helicopters (A&PH) seeks relief from conducting 14 CFR part 135.293(b) competency checks for both the BHT 205 and the modified, single engine BHT 212 known as the Eagle Single.

[FR Doc. 2025–07357 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0005]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before June 30, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on [regulations.gov](http://www.regulations.gov) to the docket, Docket No. FRA–2025–0005. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0527) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or

telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information

collection activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Railroad Noise Emission Compliance Regulations.

OMB Control Number: 2130–0527

Abstract: Under authority granted by the Noise Control Act of 1972, the Environmental Protection Agency (EPA) has established limits for noise

emissions related to rail carriers in 40 CFR part 201. Those limits are enforced by FRA under 49 CFR part 210. Specifically, § 210.27 requires that all new locomotives be tested and certified to comply with the noise emission standards.

The information collected under § 210.27 is used by FRA to confirm that new locomotives are tested and do not emit noise that exceeds the maximum noise standards, in order to control harmful noise and promote public health and welfare.

In this 60-day notice, FRA made no adjustments to the previously approved burden hours and responses in the OMB, Office of Information and Regulatory Affairs (OIRA) inventory.¹

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A

Respondent Universe: 4 locomotive manufacturers.

Frequency of Submission: On occasion.

Reporting Burden

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (A*B=C)	Total cost equivalent U.S.D. (D=C*wage rate) ²
210.11—Waivers	FRA anticipates zero waivers over the three-year collection period.				
210.27—New locomotive certification—Request for certification.	4 locomotive manufacturers.	4	30 minutes	2	\$178.26
210.31—Operation standards (stationary locomotives at 30 meters)—Recorded locomotive noise emission test under the “Remarks” section on the reverse side of Form FRA F 6180.49A.	The estimated paperwork burden for recording locomotive noise emission tests is covered under OMB control number 2130–0004 (see § 229.23).				
Total	4 locomotive manufacturers.	4	.....	2	\$178.26

Total Estimated Annual Responses: 4.

Total Estimated Annual Burden: 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$178.26.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

¹ Changes to the total cost equivalent in U.S. dollars, a category not included in the OIRA inventory, are due to updated statistics from the 2023 Surface Transportation Board (STB) Full Year Wage A&B data series.

(Authority: 44 U.S.C. 3501–3520.)

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2025–07339 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–06–P

² The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional Administrative Staff) hourly wage rate of \$50.93. The total burden wage rate (straight time

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2025–0003]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

plus 75%) used in the table is \$89.13 (\$50.93 × 1.75 = \$89.13).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before June 30, 2025.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on www.regulations.gov to the docket, Docket No. FRA-2025-0003. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0529) in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent 30-day notice, made available to the public, and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609-1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897-9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through

1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a "user-friendly" format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Disqualification Proceedings.

OMB Control Number: 2130-0529.

Abstract: Title 49 CFR part 209, subpart D (subpart D) codifies FRA procedures to provide due process to individuals whom FRA proposes to disqualify from sensitive safety service, as authorized by 49 U.S.C. 20111. Since OMB first approved control number 2130-0529,¹ the only section in subpart D deemed to contain information collection requirements subject to the PRA was 49 CFR 209.331, Enforcement

of disqualification order, which requires: (a) a railroad employing or formerly employing a disqualified individual to disclose the terms and conditions of the order to the individual's new or prospective employer railroad; (b) a railroad considering hiring an individual in a safety-sensitive position to inquire with the individual's prior employer, if the former employer is a railroad, whether the individual is serving under a disqualification order; and (c) a disqualified individual to inform the individual's current and prospective railroad employers, and provide a copy of the order.

When FRA last renewed this ICR in 2022, it included two sections under subpart D in its paperwork burden estimates in addition to § 209.331.² On review, FRA has determined that the inclusion of those sections is not required by the PRA. Specifically, the response required under §§ 209.307 and 209.309 from a person who receives a Notice of Proposed Disqualification is not subject to OMB approval because the information is collected "during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities." See 5 CFR 1320.4(a)(2). Therefore, the previously reported burden for those two sections has been removed from this ICR. Accordingly, estimated burden hours under this ICR have decreased from 41 hours to 2 hours, and the number of estimated responses has decreased from 22 to 4 responses.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: 754 railroads and 181,210 railroad employees.

Form(s): N/A.

Respondent Universe: 754 railroads and 181,210 railroad employees.

Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Wage rates (D) ³	Total cost equivalent (E) = C * D
Subpart D Disqualification Procedures						
209.307 Reply	The paperwork burden associated with this regulatory requirement is exempt under 5 CFR 1320.4(a)(2).					
209.309 Informal response.						

¹ See 56 FR 66791 (Dec. 26, 1991).

² See 87 FR 5933 (Feb. 2, 2022).

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Wage rates	Total cost equivalent
209.331 Enforcement of disqualification order:	754 railroads	2	30 minutes	1	\$89.13	\$89.13
—(a) A railroad that employs or formerly employed an individual serving under a disqualification order must inform other prospective employers.						
—(b) A railroad considering hiring an individual to perform safety-sensitive functions to check with previous railroad employer for any disqualification orders.	This is a common practice for the railroad industry to do routine personnel checks on individuals whom they are planning on hiring. Thus, there is no burden associated with this requirement.					
—(c) Individual subject to a disqualification order shall inform employer.	181,210 employees	2	30 minutes	1	\$89.13	\$89.13
Total ⁴	181,210 employees 754 railroads	4	N/A	2	N/A	\$178.26

Total Estimated Annual Responses: 4.
Total Estimated Annual Burden: 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$178.26.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520.)

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2025–07340 Filed 4–28–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2025–0067]

Request for Comments on the Renewal of a Previously Approved Collection: Uniform Financial Reporting Requirements

AGENCY: Maritime Administration, DOT.

³ The dollar equivalent cost is derived from the 2023 Surface Transportation Board’s Full Year Wage A&B data series using the employee group 200 (Professional & Administrative) hourly wage rate of \$50.93. The total burden wage rate (straight time plus 75%) used in the table is \$89.13 (\$50.93 × 1.75 = \$89.13).

⁴ Total may not add up due to rounding.

ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request approval from the Office of Management and Budget (OMB) to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0005 (Uniform Financial Reporting Requirements) is used to evaluate the financial condition of entities borrowing funds from or receiving financial benefits from MARAD. Since the last renewal, the public burden for this collection was updated to include mailing costs for respondents. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments must be submitted on or before *June 30, 2025*.

ADDRESSES: You may submit comments identified by Docket No. MARAD–2024–0067 through one of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, 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.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

NOTE: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) whether the proposed collection of information is reasonable for the Department’s performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be modified without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Steven S. Park, 202–366–1464, Office of Financial Approvals and Marine Insurance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Email: Steven.Park@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Uniform Financial Reporting Requirements.

OMB Control Number: 2133–0005.

Type of Request: Extension with change of a currently approved collection.

Abstract: The Uniform Financial Reporting Requirements are used as a basis for preparing and filing semi-annual and annual financial statements with the Maritime Administration. Regulations requiring financial reports to the Maritime Administration are authorized by Section 801 of the Merchant Marine Act, 1936. Financial reports are also required by regulation of purchasers of ships from MARAD on credit, companies chartering ships from MARAD, and of companies having Title XI guarantee obligations.

Respondents: Vessel owners and vessel managers.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 100.

Estimated Hours per Response: 9.5.

Annual Estimated Total Annual

Burden Hours: 950.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2025-07364 Filed 4-28-25; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, “Minimum Security Devices and Procedures, Reports of Suspicious

Activities, and Bank Secrecy Act Compliance Program.” The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by May 29, 2025.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.

- *Mail:* Chief Counsel’s Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0180, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 293-4835.

Instructions: You must include “OCC” as the agency name and “1557-0180” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. You can find this information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching OMB control number “1557-0180” or “Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program.” Upon finding the

appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program.

OMB Control No.: 1557-0180.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Minimum Security Devices and Procedures: Under 12 CFR 21.2, 21.4, 168.2, and 168.4, national banks and Federal savings associations are required to designate a security officer who must develop and administer a written security program. The security officer shall report at least annually to the institution’s board of directors on the effectiveness of the security program. The substance of the report shall be reflected in the board’s minutes. These requirements ensure that the security officer is responsible for the security program and that the institution’s management and the board of directors are aware of the content and effectiveness of the program. These requirements also ensure prudent institution management and institution safety and soundness.

Suspicious Activity Report (SAR): In 1992, the Department of the Treasury was granted broad authority to require suspicious transaction reporting under the Bank Secrecy Act (BSA). *See*, 31 U.S.C. 5318(g). The Financial Crimes

Enforcement Network (FinCEN), which has been delegated the authority to administer the BSA, joined with the bank regulators in 1996 in requiring, on a consolidated form (*i.e.*, SAR), reports of suspicious transactions. *See*, 31 CFR 1020.320(a) (formerly 31 CFR 103.18(a)). The filing of SARs is necessary to prevent and detect crimes involving depository institution funds, institution insiders, criminal transactions, and money laundering. These requirements are necessary to ensure institution safety and soundness. National banks and Federal savings associations are required to maintain a copy of any SAR filed and the original or business record equivalent of any supporting documentation for a period of five years. The documents are necessary for criminal investigations and prosecutions. FinCEN and the Federal financial institution supervisory agencies¹ adopted the SAR form to simplify the process through which depository institutions inform their regulators and law enforcement about suspected criminal activity.²

Procedures for Monitoring Bank Secrecy Act Compliance: Under 12 CFR 21.21, national banks and Federal savings associations are required to develop and provide for the continued administration of a program reasonably designed to assure and monitor their compliance with the BSA and applicable Treasury regulations. The compliance program must be in writing, approved by the board of directors, and reflected in the minutes of the national bank or Federal savings association. These requirements are necessary to ensure institution compliance with the BSA and applicable Treasury regulations.

Estimated Burden:

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 1,036.

Estimated Total Annual Burden: 1,266,791 hours.

¹ The Federal financial institution supervisory agencies are the OCC, Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), and National Credit Union Administration (NCUA). The Office of Thrift Supervision, which was in existence at the time the SAR was adopted, was merged into the OCC in 2011.

² The OCC estimates one hour of burden per SAR filed in recognition of the fact that most SARs are also required by FinCEN's SAR regulations and are accordingly already covered under the burden estimates for those regulations. The OCC's estimates are based on the number of SARs filed by OCC-regulated depository institutions in the most recent 12-month period, as reported in FinCEN's published SAR statistics, available at <https://www.fincen.gov/reports/sar-stats>.

Comments: On February 20, 2025, the OCC published a 60-day notice for this information collection, (90 FR 10036). The OCC received one comment, which recommended broader reforms to increase the effectiveness of compliance efforts but did not specifically object to the estimates in or justification for this information collection.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

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

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

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025-07341 Filed 4-28-25; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Prohibition on Funding of Unlawful Internet Gambling

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collection listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before June 30, 2025.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be

obtained from Spencer W. Clark by emailing PRA@treasury.gov, calling (202) 927-5331, or viewing the entire information collection request at www.reginfo.gov.

SUPPLEMENTARY INFORMATION:

Title: Prohibition on Funding of Unlawful Internet Gambling.

OMB Control Number: 1505-0204.

Type of Review: Extension without change of a currently approved collection.

Description: The Unlawful Internet Gambling Enforcement Act of 2006 (Act) (enacted as Title VIII of the Security and Accountability For Every Port Act of 2006, Pub. L. 109-347, 120 Stat. 1884, and codified at 31 U.S.C. 5361-5367) required the Secretary of the Treasury (Treasury) and the Board of Governors of the Federal Reserve System (Board), in consultation with the Attorney General, to prescribe regulations requiring designated payment systems and all participants therein to prevent or prohibit unlawful internet gambling transactions (referred to in the Act as "restricted transactions") through the establishment of reasonably designed policies and procedures. 31 U.S.C. 5364(a).

To carry out the Act, the Treasury's Departmental Offices and the Board, after consulting with the Justice Department, published a final rule on November 18, 2008 in the **Federal Register** (73 FR 69382) requiring designated payment systems and all participants therein (referred to collectively in the final rule as "participants in designated payment systems") to establish and implement written policies and procedures reasonably designed to prevent or prohibit restricted transactions.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 6,038.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 6,038.

Estimated Time per Response: 100 hours to establish new written policies and procedures. 8 hours to maintain them once established.

Estimated Total Annual Burden Hours: 48,604.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of

the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2025-07319 Filed 4-28-25; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Availability of Draft Programmatic Environmental Assessment for the Build-To-Suit Lease Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The U.S. Department of Veterans Affairs (VA) announces the availability of the Draft Programmatic Environmental Assessment (PEA) for the Build-to-Suit Lease Program. The Draft PEA analyzes lease actions which include construction, renovation, repair, and operation of outpatient clinics, community living centers, and other similar leased medical facilities identified under the VA Office of Real Property build-to-suit program. VA is requesting comments on the Draft PEA.

DATES: Comments must be received on or before May 29, 2025.

ADDRESSES: The Draft PEA is available for review via the VA website: <https://www.cfm.va.gov/environmental/>. Comments must be submitted through www.regulations.gov. Except as provided below, comments received before the close of the comment period will be available at www.regulations.gov for public viewing, inspection, or copying, including any personally identifiable or confidential business information that is included in a comment. We post the comments received before the close of the comment period on www.regulations.gov as soon as possible after they have been received. VA will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest

that the commenter will take actions to harm an individual. VA encourages individuals not to submit duplicative comments; however, we will post comments from multiple unique commenters even if the content is identical or nearly identical to other comments. Any public comment received after the comment period's closing date is considered late and will not be considered.

SUPPLEMENTARY INFORMATION: The VA Office of Construction and Facilities Management, Office of Real Property supports VA's mission by, among other functions, leasing space for the construction of medical and medically related facilities to care for our nation's Veterans.

VA has prepared the Draft PEA in accordance with the regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code 4321-4370), as implemented by the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] 1500-1508), and VA's NEPA Implementing Regulations (38 CFR part 26). The purpose of the proposed action is to provide eligible Veterans common medical services, assisted living care, and related services. The proposed action is needed to address current and future projected health care gaps and operational inefficiencies, especially in rural areas where access to common medical services offered by Veterans Affairs Medical Centers is not an easily accessible option.

The PEA aims to provide a streamlined NEPA compliance process for those recurring, predictable, and low-impact construction, renovation, or repair projects that would result in less than significant impacts. Use of the PEA would expedite the NEPA analysis and documentation process for those build-to-suit lease projects that meet the conditions identified within the PEA. VA will complete additional NEPA compliance as required on projects outside the parameters of the PEA. The geographic scope of the PEA is all 50 states, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and Tribal Lands.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved and signed this document on March 11, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication

electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2025-07324 Filed 4-28-25; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Dependency and Indemnity Compensation Cost-of-Living Adjustments

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2024, the Department of Veterans Affairs (VA) is hereby giving notice of Cost-of-Living Adjustments (COLA) in certain benefit rates. These COLAs affect the Dependency and Indemnity Compensation (DIC) program. The amount of the adjustment is tied to the increase in Social Security benefits effective December 1, 2024, as announced by the Social Security Administration (SSA). SSA has announced an increase of 2.5%.

DATES: The increases in amounts became effective December 1, 2024.

FOR FURTHER INFORMATION CONTACT: Michael Holovacs, Management and Program Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, Telephone (202) 632-8863. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under the provisions of the Veterans' Compensation Cost-of-Living Adjustment Act of 2024 (Pub. L. 118-130), VA is required to increase, effective December 1, 2024, the benefit rates of DIC programs by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. VA is required to publish notice of the increased rates in the **Federal Register**.

SSA has announced a 2.5% COLA increase in Social Security benefits effective December 1, 2024. Therefore, applying the same percentage, the following increased rates for the DIC program became effective December 1, 2024:

Dependency and Indemnity Compensation Monthly Payment Rates

DIC Payable to a Surviving Spouse—Veteran Death on or After January 1, 1993

Basic Monthly Rate: \$1,653.07.
 If at the time of the Veteran's death, the Veteran was in receipt of or entitled to receive compensation for a service-connected disability rated totally disabling (including a rating based on individual unemployability) for a continuous period of at least 8 years immediately preceding death AND the surviving spouse was married to the Veteran for those same 8 years, add: \$351.02.

For each dependent child under the age of 18, add: \$409.53.

If the surviving spouse is entitled to Aid and Attendance benefits, add \$409.53. If the surviving spouse is entitled to Housebound benefits, add \$191.85.

If the surviving spouse has one or more children under the age of 18 on the award per 38 U.S.C. 1311(f), add the 2-year transitional benefit of \$350.00.

DIC PAYABLE TO A SURVIVING SPOUSE—VETERAN DEATH PRIOR TO JANUARY 1, 1993

Veteran paygrade	Amount payable
E-1(f)	\$1,653.07
E-2(f)	1,653.07
E-3(a,f)	1,653.07
E-4(f)	1,653.07
E-5(f)	1,653.07
E-6(f)	1,653.07
E-7(g)	1,710.20
E-B(g)	1,805.47

DIC PAYABLE TO A SURVIVING SPOUSE—VETERAN DEATH PRIOR TO JANUARY 1, 1993—Continued

Veteran paygrade	Amount payable
E-9(g)	1,883.00
E-9(b)	2,032.67
W-1(g)	1,745.61
W-2(g)	1,814.98
W-3(g)	1,868.03
W-4(g)	1,976.88
O-1 (g)	1,745.61
O-2(g)	1,805.47
O-3(g)	1,929.24
O-4	2,044.89
O-5	2,250.36
O-6	2,537.44
O-7	2,738.36
O-8	3,008.18
O-9	3,217.69
O-10	3,529.26
O-10(c)	3,787.77

(a) Surviving spouse of Aviation Cadet or other service not covered by this table is paid the DIC rate for enlisted E-3.

(b) Veteran who served as Sergeant Major of the Army or Marine Corps, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, or as Master Chief Petty Officer of the Coast Guard.

(c) Veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army or Air Force, Chief of Naval Operations, Commandant of the Marine Corps, or as Commandant of the Coast Guard.

(d) If surviving spouse entitled to aid and attendance, add \$409.53; if entitled to housebound, add \$191.85.

(e) Add \$409.53 for each child under 18.

(f) Add \$351.02 if Veteran rated totally disabled for 8 continuous years prior to death and surviving spouse was married to Veteran those same 8 years.

(g) Base rate is \$2,004.09 if Veteran rated totally disabled 8 continuous years prior to death and surviving spouse was married to Veteran those same 8 years.

DIC Payable to Children

Surviving Spouse Entitled

For each child over the age of 18 who is attending an approved course of education, the rate is \$346.95.

For each child over the age of 18 who is helpless, the rate is \$697.96.

No Surviving Spouse Entitled

Number of children	Total payable	Each child's share
1	\$697.96	\$697.96
2	1,004.07	502.04
3	1,310.23	436.74

For each additional child, add \$248.98 to the total payable amount to be paid in equal shares to each child.

For each additional helpless child over 18, add \$409.53 to the amount payable to the helpless child.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved and signed this document on April 21, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2025-07328 Filed 4-28-25; 8:45 am]

BILLING CODE 8320-01-P

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