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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2427; Project Identifier AD–2024–00484–T; Amendment 39–23032; AD 2025–09–11]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC 9–87 (MD–87), and MD–88 airplanes, and Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes. This AD was prompted by the discovery of jammed elevators during takeoff. This AD requires revising the ''Certificate Limitations'' section of the existing airplane flight manual (AFM) to include a procedure to confirm elevator surfaces are not jammed in the trailing edge down (TED) position. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 12, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2427; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• 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–2024–2427.

FOR FURTHER INFORMATION CONTACT: Katherine Venegas, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5353; email: *katherine.venegas@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes, and Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes. The NPRM published in the **Federal Register** on November 22, 2024 (89 FR 92610). The NPRM was prompted by the discovery of jammed elevators during takeoff. In the NPRM, the FAA proposed to require revising the ''Certificate Limitations'' section of the existing AFM to include a procedure to confirm elevator surfaces are not jammed in the TED position. The FAA is issuing this AD to address jammed elevators, which if not addressed, could result in the inability of the airplane to rotate at rotation speed V_R, and lead to a rejected takeoff and high-speed runway excursion.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Boeing Company and an individual commenter. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Revision of Unsafe Condition

Boeing requested that the FAA revise the Background paragraph and paragraph (e) of the proposed AD to state that unsafe condition could result in the inability of the aircraft to rotate at V_R, and lead to a high-speed runway excursion during a rejected takeoff. Boeing requested this to clarify that the unsafe condition first affects aircraft pitch control which can then result in a rejected takeoff being executed beyond V_1 (the speed beyond which takeoff should not be aborted), leading to high-speed runway overrun.

The FAA agrees with this request and has updated the Background paragraph and paragraph (e) of this AD to clarify that the unsafe condition could result in the inability of the airplane to rotate at rotation speed V_R, and lead to a rejected takeoff and high-speed runway excursion.

Request for Expanded Preflight Protocols

The individual commenter stated that in addition to the AFM revision, the FAA should mandate enhanced preflight inspection procedures and that a checklist for ground crews and pilots should include not only confirmation of elevator functionality, but also additional safeguards to detect anomalies caused by external environmental factors, such as high winds during parking. The commenter stated this multi-layered approach will improve the likelihood of identifying potential issues before takeoff.

The FAA agrees that a multi-layered approach is helpful and offers the following clarification. Preflight protocols have already been expanded and include enhanced preflight inspection procedures. The Boeing Flight Crew Operation Manuals (FCOMs), Operations Bulletins (OBs), and Airplane Maintenance Manuals (AMMs), have already been updated to include requirements to confirm prior to every flight that elevator surfaces are not jammed in the trailing edge down position, as well as procedures for making that confirmation. These updates were communicated to operators via a Boeing Service Letter. Therefore, it is not necessary to require these actions in this AD. The FAA has not changed this AD as a result of this comment.

Request for Implementation of Immediate Training

The individual commenter stated pilots, ground crews, and maintenance personnel should receive mandatory training on the updated AFM procedures and the root cause of elevator jamming. The commenter stated clear communication of the risks and the steps to mitigate them will ensure consistent application across

operators, and simulation-based training, which replicates scenarios involving elevator jamming, can prepare crews for real-world challenges.

Although the FAA agrees with the comment, no additional change to the AD is necessary. Section 91.9 prohibits any person from operating a civil aircraft without complying with the operating limitations specified in the AFM. FAA regulations also require operators to furnish pilots with any changes to the AFM (14 CFR 121.137) and pilots in command to be familiar with the AFM (14 CFR 91.505). Training is a secondary step that can be accomplished by the various operators through their maintenance and operational programs.

Request for Increased Oversight and Reporting

The individual commenter stated that the FAA should establish a robust monitoring system to evaluate compliance with the revised AFM procedures including requiring operators to submit regular reports on their implementation of the AD and any incidents involving elevator control anomalies. The commenter stated any incidents involving elevator control anomalies would provide valuable data to inform future safety measures.

The FAA agrees to clarify. The FAA has determined that reporting implementation of the AD is not required because the actions required by this AD adequately address the identified unsafe condition. Operators are already required to report incidents involving the flight control system to the National Transportation Safety Board (NTSB) as specified in 49 CFR 830.5 and the FAA Aeronautical Information Manual, dated February 20, 2025. Additionally, 14 CFR 39.7 specifies that once an AD is issued, no person may operate a product to which the AD applies except in accordance with the requirements of that AD.

Request for Monitoring and Periodic Updates of Design Changes

The individual commenter stated that Boeing's ongoing efforts to develop a design change to address elevator jamming must be closely monitored and that periodic updates should be shared publicly. The commenter stated that transparency will build confidence among passengers, operators, and other stakeholders while ensuring accountability for delivering a permanent solution.

The FAA agrees to clarify. As part of continued operational safety, the FAA is monitoring Boeing's developing design change. The design is proprietary to Boeing and cannot be shared to the public by the FAA. The FAA has not changed this AD as a result of this comment.

Request for Expedited Research and Deployment

The individual commenter supported the NPRM, but added that the FAA should work with Boeing to fast-track the development and certification of a design change. The commenter stated that while necessary, interim measures like the proposed AFM revision should not substitute for long-term corrective action and that a permanent fix will eliminate the risk of human error during preflight checks and enhance overall safety.

The FAA agrees to clarify. As part of continued operational safety, the FAA is monitoring Boeing's developing design change, including receiving periodic updates in a timely manner. As stated in the proposed rule, the FAA is issuing this AD to address the unsafe condition and considers this AD interim action, and if final action is later identified, the FAA might consider further rulemaking. However, in the interim, the FAA has determined that the AFM revision required by this AD adequately addresses the unsafe condition. Therefore, fast-tracking the development and certification of a design change is not needed.

Conclusion

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

Interim Action

The FAA considers this AD to be an interim action. Boeing is developing a design change to address the unsafe condition. If final action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD affects 104 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$8,840

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

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

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–09–11 The Boeing Company: Amendment 39–23032; Docket No. FAA–2024–2427; Project Identifier AD–2024–00484–T.

(a) Effective Date

This airworthiness directive (AD) is effective June 12, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company airplanes identified in paragraphs (c)(1) through (7) of this AD, certificated in any category.

(1) Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes.

(2) Model MD–88 airplanes.

(3) Model DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, and DC–9–15F airplanes.

(4) Model DC–9–21 airplanes.

(5) Model DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, and DC–9–32F (C–9A, C–9B) airplanes.

(6) Model DC–9–41 airplanes.

(7) Model DC–9–51 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by the discovery of jammed elevators during takeoff. The FAA is issuing this AD to address the unsafe condition, which if not addressed, could result in the inability of the aircraft to rotate at rotation speed V_R, and lead to a rejected takeoff and high-speed runway excursion.

(f) Compliance

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

(g) Revision of Existing AFM

Within 3 months after the effective date of this AD, revise the ''Certificate Limitations'' section of the existing airplane flight manual (AFM) to include the information specified in figure 1 to paragraph (g) of this AD. This may be done by inserting a copy of figure 1 to paragraph (g) of this AD into the AFM.

Figure 1 to Paragraph (g)—Elevator Surfaces Procedure

(As required by AD 2025-09-11)

Prior to every flight, elevator surfaces must be confirmed as not jammed in the Trailing Edge Down (TED) position. Both elevators must be faired with or above the stabilizer surface, or maintenance action is required to verify elevator freedom of movement.

(h) 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 (i) 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.

(i) Related Information

For more information about this AD, contact Katherine Venegas, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5353; email: *katherine.venegas@faa.gov*.

(j) Material Incorporated by Reference

None.

Issued on April 30, 2025.

Victor Wicklund,

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

[FR Doc. 2025–07968 Filed 5–7–25; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2024–0595; FRL–12391–01–R10]

Adequacy Status of the Motor Vehicle Emissions Budget in the Fairbanks North Star Borough, Alaska Submitted 2006 24-Hour $PM_{2.5}$ NAAQS Serious Area and 189(d) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that we have found the motor vehicle emissions budgets adequate for transportation conformity purposes for the Fairbanks North Star Borough's 2006 24-hour fine particulate matter ($PM_{2.5}$) nonattainment area. The budgets were submitted on December 4, 2024, as part of Alaska's state implementation plan revisions (Fairbanks Revised 189(d) Plan). As a result of our finding, these budgets must be used when determining

conformity of the Fairbanks transportation plan and transportation improvement program.

DATES: This finding is effective May 23, 2025.

FOR FURTHER INFORMATION CONTACT: Tess Bloom, 1200 6th Avenue, Suite 155, Seattle, WA 98101; *bloom.tess@epa.gov* or 206–553–6362.

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

This document is simply an announcement of a finding that we have already made. The EPA Region 10 issued a letter on April 8, 2025, to the Alaska Department of Environmental Conservation stating that the $PM_{2.5}$ motor vehicle emissions budgets, submitted in the Fairbanks Revised 189(d) Plan, are adequate. The motor vehicle emissions budgets that we have determined are adequate for transportation conformity purposes are provided in the following table:

ADEQUATE MOTOR VEHICLE EMISSIONS BUDGETS [1] FOR THE 24-HOUR $PM_{2.5}$ NAAQS IN THE FAIRBANKS NORTH STAR BOROUGH

Budget years	$PM_{2.5}$ [2] On-road mobile source emissions (tons/day)	Clean Air Act-related milestone
2023	0.062	Reasonable further progress (RFP).
2026	0.054	RFP.
2027	0.052	Attainment.
2029	0.049	RFP.

Transportation conformity is required by Clean Air Act section 176(c), 42 U.S.C. 7506(c). The EPA's Transportation Conformity Rule (40 CFR part 93, subpart A) requires that transportation plans, transportation improvement programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. *See, e.g.,* 42 U.S.C. 7506(c)(1)(B).

The criteria by which we determine whether a SIP's motor vehicle emissions budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). The EPA has described its process for determining the adequacy of submitted SIP budgets in our July 1, 2004 (69 FR 40004) preamble starting at page 40038, and we used the information in these resources in making our adequacy determination. Please note that an adequacy review is separate from the EPA's completeness review and should not be used to prejudge the EPA's ultimate approval action for the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

On January 8, 2025, the EPA proposed to approve the submitted Fairbanks Revised 189(d) Plan, including the motor vehicle emissions budgets contained therein. The EPA also initiated the adequacy process for the budgets included in that submission. We reviewed the criteria in 40 CFR 93.118(e)(4) to determine whether the motor vehicle emissions budgets are adequate for conformity purposes. See Enclosure 2 of EPA's April 8, 2025 letter for how the budgets meet these criteria.[3] We also initiated a public comment period for adequacy of the budgets as required by 40 CFR 93.118(f)(1)(ii). The public comment period on the adequacy process closed February 7, 2025. We received three comments during that public comment period related to adequacy of the motor vehicle emissions budgets. *Another comment was received during Alaska DEC's state rulemaking process. The EPA's response to these comments is included as Enclosure 1 to the letter notifying the State of our transportation adequacy finding.*[4] As discussed in the response to comments, after considering the comments and based on our review, the EPA concluded that the budgets meet the adequacy criteria in 40 CFR 93.118. Therefore, the EPA found the budgets adequate for transportation conformity purposes.

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

Dated: April 29, 2025.

Daniel D. Opalski,

Deputy Regional Administrator, Region 10.

[FR Doc. 2025–08084 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

[1] Note 2020 was included as a base year, not a milestone year, in the SIP Submission and ''Table 6—$PM_{2.5}$ Motor Vehicle Emission Budgets by Milestone Year'' in the January 8, 2025, Notice of Proposed Rulemaking. *See* 90 FR 1600. As such, it is not actually a motor vehicle emissions budget according to the definition in 40 CFR 93.101 and it would not be used in transportation conformity.

[2] Relevant transportation-related precursor pollutants for nonattainment areas are included under 40 CFR 93.102(b)(2). According to 40 CFR 93.102(b)(2)(iv), NO_X precursor emissions apply for $PM_{2.5}$ areas unless a finding has been made that NO_X is not a significant contributor to the $PM_{2.5}$ nonattainment problem. As explained in the submitted State Air Quality Control Plan, Vol. II, III.D.7.14 (Air Quality Conformity and Motor Vehicle Emission Budget), Alaska DEC only developed budgets for directly-emitted $PM_{2.5}$ as precursor significance modeling found that both total and motor vehicle NO_X emissions concentrations did not exceed EPA-established significance thresholds. The EPA approved Alaska's NO_X precursor demonstration on December 5, 2023, (88 FR 84626).

[3] EPA letter sent from Krishna Viswanathan, Air and Radiation Division Director, EPA Region 10, to Christina Carpenter, Acting Commissioner, Alaska Department of Environmental Conservation, April 8, 2025. The letter is included in the docket for this action.

[4] EPA letter sent from Krishna Viswanathan, Air and Radiation Division Director, EPA Region 10, to Christina Carpenter, Acting Commissioner, Alaska Department of Environmental Conservation, April 8, 2025. The letter is included in the docket for this action.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2024–0622; FRL–12746–02–R8]

Air Plan Approval; Colorado; Interim Final Determination To Stay and Defer Sanctions in the Denver Metro/North Front Range 2008 Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: In the Proposed Rules section of this **Federal Register**, EPA is proposing approval of portions of State Implementation Plan (SIP) submissions from the State of Colorado dated June 26, 2023, May 23, 2024, and April 2, 2025. The submissions relate to Colorado Air Quality Control Commission Regulation Number 7 (Reg.

7) and Regulation Number 25 (Reg. 25) and address Colorado's SIP obligations for the contingency measures Serious ozone nonattainment area requirement for the 2008 ozone National Ambient Air Quality Standard (NAAQS). In this action, the EPA is making an interim final determination based on that proposed approval. The effect of this interim final determination is that the imposition of sanctions that were triggered by the EPA's November 7, 2023 disapproval are now deferred. Although this action is effective upon publication, the EPA will take comment on this interim final determination.

DATES: This interim final determination is effective May 8, 2025. However, comments will be accepted until June 9, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2024–0622, to the Federal Rulemaking Portal: *https://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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://www2.epa.gov/dockets/commenting-epa-dockets*.

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *https://www.regulations.gov*. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–AQ–R, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6709, email address: *lang.matthew@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

On November 7, 2023, the EPA took final action disapproving portions of the 2008 8-hour ozone serious attainment plan for the Denver Metro/North Front Range (DMNFR) nonattainment area that were submitted by the State of Colorado on March 22, 2021.[1] The State made the SIP submission in part to meet the contingency measures Serious ozone nonattainment plan requirement for the DMNFR area, as required under sections 172(c)(9) and 182(c)(9) of the Clean Air Act (CAA). On April 2, 2025, Colorado submitted SIP revisions to address the disapproved contingency measures requirement. In the Proposed Rules section of this **Federal Register**, the EPA has proposed to approve portions of Colorado's June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals that include SIP revisions needed to fully address the disapproved contingency measures requirement.

II. What action is the EPA taking?

We are making an interim final determination to defer application of the offset sanction for permitting of new or modified sources and highway sanctions under CAA section 179 that are associated with the November 7, 2023 disapproval. Under 40 CFR 52.31(d)(2)(i), if the State has submitted a revised plan to correct the deficiencies identified in the disapproval actions, and the EPA proposes to fully or conditionally approve the plan and issues an interim final determination that the revised plan corrects the identified deficiencies, application of the offset sanction for permitting of new and modified sources and highway sanctions shall be deferred. If not deferred, the offset sanction for permitting of new and modified sources would apply on June 7, 2025 for the November 7, 2023 contingency measures disapproval in the DMNFR nonattainment area. Additionally, highway sanctions would apply on December 7, 2025, for the disapproval.

Based on the proposed approval of portions of Colorado's June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals set forth in this document, Colorado has made revisions that adequately address the EPA's disapproval relating to contingency measures. This interim final determination is consistent with the requirements of the Administrative Procedure Act (APA)[2] for federal agency rulemaking. Generally, under the APA, agency rulemaking affecting the rights of individuals must comply with certain minimum procedural requirements, including publishing a notice of proposed rulemaking in the **Federal Register** and providing an opportunity for the public to submit written comments on the proposal before the rulemaking can have final effect.[3] While in this matter the EPA is not providing an opportunity for public comment before the deferral of CAA section 179 sanctions is effective, the EPA is providing an opportunity, after the fact, for the public to comment on the interim final determination. The EPA will consider any comments received in determining whether to reverse the interim final determination. Additionally, the EPA is providing an opportunity to comment on the proposed approval, within a separate action, that is the basis for this interim final determination, so the public has an opportunity to comment on that action before any sanctions clock could be permanently terminated.

The basis for allowing such an interim final action stems from the APA, which provides that the notice and opportunity for comment requirements do not apply when the Agency ''for good cause finds'' that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''[4] The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's SIP submissions, and for the reasons explained further in its proposed action the EPA believes that it is more likely than not that the State's submissions adequately address the Serious nonattainment area contingency measures requirement for the 2008 ozone NAAQS. This is accomplished by the State adopting an approvable contingency measure, and through the inclusion of an infeasibility justification that provides a reasoned explanation for why it is not feasible for Colorado to adopt contingency measures

[1] Final rule, Air Plan Approval and Disapproval; Colorado; Serious Attainment Plan Elements and Related Revisions for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, 88 FR 76676 (Nov. 7, 2024).

[2] 5 U.S.C. 551 *et seq.*

[3] *See* 5 U.S.C. 553(b)–(d).

[4] 5 U.S.C. 553(b)(B).

achieving emission reductions in the amount recommended by EPA. Accordingly, CAA sanctions would not serve their intended purpose of encouraging the state to develop a better SIP. The EPA also believes that the risk of an inappropriate deferral is comparatively small, given the limited scope of a deferral and given that sanctions would become effective pursuant to 40 CFR 52.31(d)(2)(i) in the event the EPA reverses its determination that the State has corrected the deficiencies. Consequently, the EPA finds that the ''good cause'' exception to the APA notice and comment requirement applies, and that notice and comment procedures are not required before the deferral and stay of sanctions become effective.

The EPA is also invoking the ''good cause'' exception to the 30-day publication requirement of the APA. Section 553(d)(1) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' [5] The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' [6] However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Because this rule relieves a restriction, in that it defers imposition of sanctions upon the state, the EPA finds that there is good cause under 5 U.S.C. 553(d)(1) for this action to become effective on the date of publication of this action.

As explained above, the EPA is making this interim final determination based on our concurrent proposal to approve portions of Colorado's June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals that correct the deficiencies identified in our November 7, 2023 disapproval action with respect to the adequacy of contingency measures submitted by Colorado for the Serious nonattainment requirement in the DMNFR area under the 2008 ozone NAAQS. If the EPA does not finalize the approval as proposed and instead disapproves or proposes to disapprove these SIP revisions, then the offset sanction for permitting of new and modified sources under CAA section 179(b)(2) would apply in the affected area on the later of: (1) the date the EPA issues such a proposed or final disapproval; or (2) June 7, 2025 (*i.e.,* 18 months from the effective date of the finding that started the original sanctions clock).[7] Subsequently, highway sanctions under section 179(b)(1) would apply in the affected area six months after the date the offset sanction applies.[8]

III. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it 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 the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. The rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act (CRA), and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). The EPA has made such a good cause finding, including the reasons thereof, and established an effective date of May 8, 2025.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 7, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 21, 2025.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2025–07938 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

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

[6] *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history).

[7] *See* 40 CFR 52.31(d)(2)(i). In this case, the finding that started the original sanctions clock was the disapproval issued on November 7, 2023, which was effective on December 7, 2023.

[8] *See id.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0526; FRL–10286–02–R9]

Air Quality Plans; California; Tehama County Air Pollution Control District; New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Tehama

County Air Pollution Control District's (TCAPCD or ''District'') portion of the California State Implementation Plan (SIP). This revision governs the District's issuance of permits for stationary sources and focuses on the preconstruction review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA or ''the Act'').

DATES: This rule is effective June 9, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2022–0526. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Manny Aquitania, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 972–3977; email: *aquitania.manny@epa.gov*.

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

Table of Contents

I. Proposed Action

On March 26, 2024 (89 FR 20915), the EPA proposed to approve the rule listed in Table 1 into the California SIP.

TABLE 1 SUBMITTED RULE

District	Rule or regulation #	Rule title	Adopted	Submitted [1]
Tehama County APCD	Rule 2:3C	New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas.	02/28/23	05/11/23

For areas designated nonattainment for one or more of the National Ambient Air Quality Standards (NAAQS), the applicable SIP must include preconstruction review and permitting requirements for new or modified major stationary sources of such nonattainment pollutant(s) under part D of title I of the Act, commonly referred to as Nonattainment New Source Review (NNSR). The rule listed in Table 1 contains the TCAPCD's NNSR permit program applicable to new and modified major sources located in the area within the District that is designated nonattainment for the NAAQS.

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Rule 2:3C is intended to address the CAA's statutory and regulatory requirements for NNSR permit programs for major sources emitting nonattainment air pollutants and their precursors. Our proposed action contains more information on the rule and our evaluation.

[1] The submittal was transmitted to the EPA via a letter from the California Air Resources Board (CARB or ''the State'') dated May 10, 2023. On December 5, 2023, CARB submitted a corrected version of Rule 2:3C, as the copy of the clean version of the rule that had been included in the May 11, 2023 SIP submittal did not include its adoption date and also contained an additional formatting error, and thus did not reflect the final rule that had been adopted on February 28, 2023.

II. Public Comments and EPA Responses

The 30-day public comment period for the proposed rule closed on April 25, 2024. During this period, the EPA received two comments. The first commenter expressed concerns about the environmental effects of cannabis cultivation, asserting that commercial cannabis cultivation can produce volatile organic compounds which may lead to ozone pollution and that cannabis is a water-hungry crop. The second commenter questioned why the budget does not provide for ozone monitoring that is more representative of the jurisdiction, noting the high elevation location of the monitor at the Tuscan Buttes, over 1,800 feet above mean sea level, with meteorological conditions likely different than in the main part of Tehama County.

After reviewing each comment, the EPA has determined that these comments fail to raise issues germane to the EPA's proposed approval of Rule 2:3C into the California SIP, which is based specifically upon the Clean Air Act's requirements for state NNSR programs. Therefore, we have determined that these comments do not necessitate a response, and the EPA will not provide specific responses to the comments in this notice.

III. EPA Action

No comments were submitted that change our assessment of Rule 2:3C as described in our proposed action. We continue to find that Rule 2:3C satisfies the relevant requirements for a CAA NNSR program for ozone,[2] as well as the associated visibility requirements for sources subject to review under such a program in accordance with 40 CFR 51.307. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving this rule into the California SIP.

This action incorporates the submitted rule into the California SIP. In conjunction with the EPA's SIP approval of the District's visibility program for sources subject to the NNSR program, this action also revises the scope of the visibility Federal Implementation Plan (FIP) at 40 CFR 52.281 for California so that this FIP no longer applies to sources located in the TCAPCD nonattainment area that is subject to the District's visibility program.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference Rule 2:3C, ''New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas,'' adopted on February 28, 2023, as described in Section I of this preamble, which

[2] As discussed in our proposed action, we determined that Rule 2:3C satisfies the NNSR program requirements applicable to nonattainment areas classified as Marginal for ozone, and that the submittal addressed the NNSR requirements both the 2008 and 2015 ozone NAAQS. 89 FR 20916–17.

regulates the District's issuance of preconstruction permits for major sources emitting nonattainment air pollutants and their precursors under part D of title I of the CAA. The EPA has made, and will continue to make, these materials available *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt 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 Clean Air Act.

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

This action is subject to the Congressional Review Act, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 7, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 25, 2025.

Joshua F.W. Cook,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(610)(i)(F) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(610) * * *

(i) * * *

(F) Tehama County Air Pollution Control District.

(*1*) Rule 2:3C, ''New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas,'' adopted on February 28, 2023.

(*2*) [Reserved]

* * * * *

■ 3. Section 52.281 is amended by adding paragraph (d)(16) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(d) * * *

(16) Tehama County Air Pollution Control District.

* * * * *

[FR Doc. 2025–08087 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0528; FRL–12551–02–R5]

Air Plan Approval; Ohio; Nitrogen Oxide Budget Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Ohio State Implementation Plan (SIP) submitted by the Ohio Environmental Protection Agency (Ohio EPA) on November 4, 2024. The SIP revisions consist of revised Ohio Administrative Code (OAC) rules implementing the Nitrogen Oxide (NO_X) Budget Program. The revised rules include non-substantive updates to rule language and updates to referenced material.

DATES: This direct final rule will be effective July 7, 2025, unless EPA receives adverse comments by June 9, 2025. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0528 at *https://www.regulations.gov* or via *email to langman.michael@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any

comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Neena Nallaballi, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–1770, *nallaballi.neena@epa.gov*. The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What is the background for these actions?

Ohio EPA is subject to requirements in Ohio Revised Code 106.03 and 106.031 to review each of its regulations every five years to assess whether any updates to the regulations are warranted and for other purposes. Accordingly, Ohio EPA reviewed its regulations in OAC Chapter 3745–14, entitled ''Nitrogen Oxides—Reasonably Available Control Technology''.[1] OAC Chapter 3745–14 establishes the NO_X Budget Program in response to EPA's 1998 NO_X SIP Call to reduce the regional transport of NO_X emissions from large sources that contribute to ozone nonattainment. These rules created an ozone season NO_X allowance and trading program for electric generating units (EGUs) and large non-EGUs. In 2018 and 2019, Ohio EPA revised these rules such that non-EGUs would continue required monitoring and reporting even though EPA discontinued compliance trading options for non-EGUs.

As a result of its review, Ohio EPA concluded that rule revisions were needed to modify the wording of selected text to correct typos and reflect new formatting guidelines, and to update publication and referenced material titles, effective dates, addresses, and websites. Ohio EPA adopted these various minor revisions and updated their rules on August 15, 2024, and then requested that EPA approve these revisions into the Ohio SIP in a submittal dated November 4, 2024.

II. What is EPA's analysis of Ohio's SIP revision?

Ohio EPA has requested that EPA approve revisions to portions of Chapter 3745–14 of the OAC. These rules include 3745–14–01 (Definitions and General Provisions) and 3745–14–08 (Monitoring and Reporting). The revisions are described in detail below. EPA has determined that these revisions are approvable since they are primarily administrative in nature and do not relax SIP requirements.

A. 3745–14–01 Definitions and General Provisions

This rule contains the applicable definitions and establishes the provisions and requirements to implement a NO_X budget, Portland cement kilns, and a stationary (large) internal combustion engines program in the state of Ohio as a means of control and reduction of NO_X emissions. The rule was revised to update the publication dates and website URLs of referenced material and to adopt minor changes in rule language to correct typos and meet updated style and formatting guidelines. No terms or definitions were added or removed from this section. Since the revised definitions and general provisions do not make this rule less stringent, EPA finds that 3745–14–01 is approvable.

B. 3745–14–08 Monitoring and Reporting

This rule contains compliance monitoring and reporting requirements for the NO_X Budget Program. The rule was revised to adopt minor language adjustments, including removal of the word ''shall'' and rearrangement of sentences. Since the revisions to the rule language are minor in nature and do not affect the scope or intent of the rules, EPA finds that 3745–14–08 is approvable.

III. What action is EPA taking?

EPA is approving the November 4, 2024, submission by Ohio EPA as a revision to the Ohio SIP. Specifically, EPA is approving updates to OAC Chapter 3745–14.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the State plan if relevant adverse written comments are filed. This rule will be effective July 7, 2025 without further notice unless we receive relevant adverse written comments by June 9, 2025. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective July 7, 2025.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Ohio Regulations described in section II of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.

[1] While this chapter is titled NO_X RACT, Ohio NO_X RACT is included in 3745–110.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act 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 Clean Air Act. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it 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 Clean Air Act.

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).

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 7, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Reporting and recordkeeping requirements.

Dated: April 24, 2025.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is amended as follows:

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.*

■ 2. In § 52.1870, the table in paragraph (c) is amended by revising entries ''3745–14–01'' and ''3745–14–08'' under ''Chapter 3745–14 Nitrogen Oxides-Reasonably Available Control Technology'' to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED OHIO REGULATIONS

Ohio citation	Title/subject	Ohio effective date	EPA approval date	Notes
*	*	*	*	*
Chapter 3745–14 Nitrogen Oxides-Reasonably Available Control Technology				
*	*	*	*	*
3745–14–01	Definitions and General Provisions	8/15/2024	5/8/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*
3745–14–08	Monitoring and Reporting	8/15/2024	5/8/2025, 90 FR [Insert **Federal Register** page where the document begins].	
*	*	*	*	*

* * * * *

[FR Doc. 2025–07861 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 90, No. 88
Thursday, May 8, 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.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1605

Method of Correcting Errors Involving Retired Lifecycle Funds

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rule.

SUMMARY: The Federal Retirement Thrift Investment Board (FRTIB) is proposing to amend its regulation regarding the method for correcting errors involving Lifecycle Funds that no longer exist. Specifically, it is reverting to the use of a constructed share price to calculate breakage and the value of negative adjustments for errors involving Lifecycle Funds that no longer exist as of June 1, 2022.

DATES: Comments must be received on or before June 9, 2025.

ADDRESSES: You may submit comments using one of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Office of General Counsel, Attn: Dharmesh Vashee, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.

Comments will be made available to the public online at *https://www.regulations.gov.* Do not include any personally identifiable or confidential information that you do not want publicly disclosed. Anonymous comments are acceptable.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Jim Kaplan at (202) 864–7150. *For information about how to comment on this proposed rule:* Charles Stone at (202) 253–9006.

SUPPLEMENTARY INFORMATION: The FRTIB administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP is a tax-advantaged retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or advantaged arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)). The provisions of FERSA that govern the TSP are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79.

TSP Lifecycle Funds

The TSP offers five core funds (the G, F, C, S, and I Funds). In addition, the TSP offers eleven Lifecycle Funds, which consist of a diversified mix of the five individual funds (G, F, C, S, and I). The Lifecycle Funds are designed to align with the investing participant's target retirement date. Most of the Lifecycle Funds are labeled with a year (L 2025, L 2030, L 2035, L 2040., *etc.*) that represents the target retirement date. One of the Lifecycle Funds—the L Income Fund—is not associated with a target retirement date. The L Income Fund has a very conservative investment strategy—it is designed to preserve assets, and to generate income rather than investment growth.

Every quarter (three months), the asset allocations of all the Lifecycle Funds except the L Income Fund are automatically adjusted, gradually shifting them from higher risk and reward to lower risk and reward as they get closer to their target dates. In the year of a Lifecycle Fund's target date, it goes out of existence and any money in it becomes part of the L Income Fund. For example, this year, the L 2025 Fund will be rolled into the L Income Fund. A Lifecycle Fund that no longer exists is referred to as a ''retired'' Lifecycle Fund.

Correction of Errors Involving Retired Lifecycle Funds

Once an L Fund is retired, TSP participants are no longer able to invest their contributions in that fund. However, the FRTIB is sometimes required to calculate lost earnings (*i.e.,* breakage) for errors involving a retired L Fund. Breakage is the loss incurred (negative earnings) or the gain realized (positive earnings) on late and makeup contributions. Similarly, the FRTIB must sometimes process the removal of erroneous contributions (*i.e.,* a negative adjustment) previously made to a now-retired L Fund. The value of a negative adjustment equals the amount of the erroneous contributions plus earnings (positive or negative) on that amount.

Section 1605.2 contains a formula for calculating breakage, and section 1605.12 contains a formula for calculating the value of negative adjustments. The current share price of the relevant investment fund is one of variables in each of these formulas. Because a retired Lifecycle Fund no longer exists, there is no current share price. In the past, the FRTIB used a constructed share price to calculate breakage and the value of negative adjustments for errors involving retired Lifecycle Funds.

The first TSP Lifecycle Fund to ever be retired was the L 2010 Fund. On October 14, 2010, the FRTIB published a proposed rule explaining the FRTIB's anticipated use of a constructed share price to calculate breakage and the value of negative adjustments for errors involving retired Lifecycle Funds. (75 FR 63106). Under that proposed rule, the constructed share price for a retired Lifecycle Fund would be determined as follows: The retired Lifecycle Fund's share price on the date it was retired, multiplied by the current L Income Fund share price, divided by the L Income Fund shared price on the date the Lifecycle fund was retired. The FRTIB received no public comments. On December 1, 2010, the FRTIB published the proposed rule as final without modification. (75 FR 74607).

Impact of the Transition to a New Recordkeeper

In November 2020, the FRTIB awarded a contract to a new service provider (called a recordkeeper) that maintains and operates the technology platforms necessary to process TSP transactions. The transition from the prior TSP recordkeeper to the new TSP recordkeeper was an enormous technological project that occurred over the course of 18 months. During that transition period, the new TSP recordkeeper informed the FRTIB that the new TSP recordkeeper was unable to calculate a constructed share price for retired Lifecycle Funds. Accordingly, the FRTIB amended its regulations to provide that the share price of the L Income Fund would be used instead. (87 FR 31670).

Proposed Rule

The new TSP recordkeeper has since informed the FRTIB that the new TSP

recordkeeper can use a constructed share price to calculate breakage and the value of negative adjustments for errors involving Lifecycle Funds retired on or after June 1, 2022—the date the new TSP recordkeeper began processing TSP transactions.[1] Accordingly, the FRTIB proposes to revert to the use of a constructed share price to calculate breakage and the value of negative adjustments for errors involving Lifecycle Funds that are retired on or after June 1, 2022. This will provide the participant with a composite of the return of the Lifecycle Fund before it was retired, and the return of the L Income Fund after the Lifecycle Fund was retired. The TSP recordkeeper will continue to use the share price of the L Income Fund to calculate breakage and the value of negative adjustments for errors involving Lifecycle Funds retired before June 1, 2022.

Regulatory Flexibility Act

This proposed regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees and members of the uniformed services who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the FRTIB.

Paperwork Reduction Act

This proposed regulation does not require additional reporting under the criteria of the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on State, local, and Tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by State, local, and Tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 2 U.S.C. 1532 is not required.

List of Subjects in 5 CFR Part 1605

Employee benefit plans, Government employees, Pensions, Reporting and recordkeeping requirements, Retirement.

Ravindra Deo,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the FRTIB proposes to amend 5 CFR part 1605 as follows:

PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

Subpart A—General

■ 1. The authority citation for part 1605 continues to read as follows:

Authority: 5 U.S.C. 8351, 8432a, 8432d, 8474(b)(5) and (c)(1). Subpart B also issued under section 1043(b) of Public Law 104–106, 110 Stat. 186 and § 7202(m)(2) of Public Law 101–508, 104 Stat. 1388.

■ 2. Amend § 1605.2 by revising paragraph (b)(3) to read as follows:

§ 1605.2 Calculating, posting, and charging breakage on late contributions and loan payments.

* * * * *

(b) * * *

(3) Determine the dollar value on the posting date of the number of shares the participant would have received had the contributions or loan payments been made on time. If the contribution or loan payments would have been invested in a Lifecycle Fund that retired prior to June 1, 2022, then the share price of the L Income Fund will be used; but if the Lifecycle Fund retired on or after June 1, 2022, then a constructed share price for the retired Lifecycle Fund will be used. The constructed share price shall equal the final posted share price of the retired Lifecycle Fund, multiplied by the current L Income Fund share price, divided by the L Income Fund share price on date of the final posted share price of the retired Lifecycle Fund. The dollar value shall be the number of shares the participant would have received had the contributions or loan payments been made on time multiplied by the relevant share price modifier, as determined by the posting date.

* * * * *

■ 3. Amend § 1605.12 by revising paragraph (c)(2)(ii) to read as follows:

Subpart B—Employing Agency Errors

§ 1605.12 Removal of erroneous contributions.

* * * * *

(c) * * *

(2) * * *

(ii) Multiply the price per share on the date the adjustment is posted by the number of shares calculated in paragraph (c)(2)(i) of this section. If the contribution was erroneously contributed to a Lifecycle Fund that is retired on the date the adjustment is posted and the Lifecycle Fund retired prior to June 1, 2022, then the share price of the L Income Fund will be used; or if the Lifecycle Fund retired on or after June 1, 2022, then a constructed share price for the retired Lifecycle Fund will be used. The constructed share price shall equal the final posted share price of the retired Lifecycle Fund, multiplied by the current L Income Fund share price, divided by the L Income Fund share price on date of the final posted share price of the retired Lifecycle Fund.

* * * * *

[FR Doc. 2025–07977 Filed 5–7–25; 8:45 am]

BILLING CODE 6760–01–P

[1] No Lifecycle Funds have been retired since June 1, 2022. But the L 2025 Fund will retire this summer.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 141

[Docket No.: FAA–2024–2531]

Notice of Public Meetings and Request for Comment on the Modernization of Pilot Schools

AGENCY: Federal Aviation Administration, U.S. Department of Transportation.

ACTION: Notice of public meetings for proposed rulemaking; request for comment.

SUMMARY: The Federal Aviation Administration (FAA) announces public meetings to solicit input on the modernization of pilot school regulations.

DATES: The FAA will hold a hybrid of virtual and in-person public meetings on Tuesday, June 10, 2025, and Wednesday, June 11, 2025, from 9 a.m.–4 p.m. Eastern Time. The FAA must receive requests to attend the hybrid in-person meeting no later than May 27, 2025.

ADDRESSES: The in-person meetings will be held at Bridgewater State University, Moakley Auditorium, 100 Burrill Ave., Bridgewater, MA 02324, and virtually on Zoom. See website for registration information link for both virtual and in-person meetings: *https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs800/afs810/modernization_of_part-141_initiative.*

Comments: Written comments are requested no later than June 3, 2025.

Send comments identified by docket number FAA–2024–2531 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *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 (DOT), 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, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: DOT solicits comments from the public to better inform its process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.govinfo.gov/content/pkg/FR-2008-01-17/pdf/E8-785.pdf*.

Docket: Comments received may be read at *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, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions concerning this action, contact Lyndsay Carlson with the Part 141 Modernization Initiative Team, Office of Safety Standards, General Aviation and Commercial Division, Training and Certification Group (AFS–810): Email: *9-AFS-Modernization-Part141-Comments@faa.gov*. Phone: 202–267–1100.

SUPPLEMENTARY INFORMATION: Title 14 Code of Federal Regulations (14 CFR) part 141 (Pilot Schools) prescribes the requirements for issuing pilot school air agency certificates, provisional pilot school air agency certificates, and associated ratings, and the general operating rules applicable to a holder of a certificate or rating issued under part 141. Through a part 141 pilot school, a student may obtain equivalent levels of aeronautical experience in fewer hours than required by 14 CFR part 61 (Certification: Pilots, Flight Instructors, and Ground Instructors). Part 141 schools are required to have FAA certification and supplementary oversight. Specifically, part 141 includes curricula standards for training and procedures to ensure a training course used by a school is adequate, appropriate, and administered by qualified personnel.

The process of licensing or certification of pilot schools in the United States is approaching 100 years of existence. Although the FAA has revised certain regulatory requirements pertaining to pilot schools during this time, part 141 still has many foundational ties to Civil Air Regulations (CAR) part 50, which was implemented in the 1940s. Regulations for pilot schools are typically promulgated to improve safety, reduce aircraft accidents, and embrace changes such as advances in technology and the need for data collection and analysis. Modernizing part 141 is essential for addressing challenges pertaining to certification, certification management, examining authority, and evolving technology and learning methods. The objective of modernizing part 141 is to increase safety and create a foundation for a more structured and robust training environment to aid in the reduction of general aviation fatal accidents.

Therefore, part 141 must be analyzed to determine how it can evolve with the changing aviation industry. Over the course of the project, the FAA is seeking engagement from the flight training industry through participation in public meetings. Collaboration is encouraged to stimulate the innovation of a modern part 141 that will serve the needs of current and future pilot schools, as well as provide a robust and safe training environment that instills the necessary knowledge, skills, critical thinking, and aeronautical decision making in its pilots to create a safer national airspace system.

Public Meetings

Information concerning the public meetings, including topics and meeting times will be posted at the following website: *https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs800/afs810/modernization_of_part-141_initiative*.

Each meeting will be open to the public for virtual or in-person attendance on a first-come, first-served basis, as there is limited space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section and provide the following information: full legal name and name of your industry association or applicable affiliation. If you wish to attend the meetings in-person, you must register before the scheduled deadline in the **DATES** section. We will not have on-site registration. The FAA will email registrants the meeting access information in a timely manner prior to the start of the meetings.

DOT is committed to providing equal access to these meetings for all participants. If you require an alternative version of files provided or alternative accommodations, such as sign language, interpretation, or other ancillary aids, please contact the Part 141 Modernization Initiative Team, at *9-AFS-Modernization-Part141-Comments@faa.gov* no later than May 27, 2025.

Comments Encouraged

The FAA encourages the public to submit comments to *www.regulations.gov,* Docket No. FAA–2024–2531. Comments that the FAA would find helpful include validated data and reports, unique discussion topics or scenarios, and/or feedback specific to modernizing part 141. The public is encouraged to provide feedback regarding innovative ideas; methods; solutions; products; and/or services that have, or could have, a significant impact on pilot school training. We encourage you to submit comments during these public meetings or electronically to Docket No. FAA–2024–2531. If you submit your comments electronically, it is not necessary to also submit a hard copy.

The submission of public comments is encouraged but not required for meeting participation. The FAA will consider public feedback to determine the need for future considerations to the CFR. The FAA will review comments that are post-marked, or submitted electronically, on or before the comment closing date of June 3, 2025. Comments made after the closing date may be reviewed as time and resources permit.

Issued in Washington, DC, on April 30, 2025.

Everette C. Rochon, Jr.,

Manager, Training and Certification Group, General Aviation and Commercial Division, Office of Safety Standards, Flight Standards Service.

[FR Doc. 2025–08025 Filed 5–7–25; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2025–0040; FRL–12733–01–R2]

Approval and Promulgation of State Implementation Plans; New York; Emission Statement Certification of the 2008 and 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve portions of the comprehensive State Implementation Plan (SIP) revisions submitted by New York that certify that the State has satisfied the requirements for an emission statement program for both the Serious and Moderate classifications of the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS), respectively. These actions are being taken in accordance with the requirements of the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before June 9, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2025–0040 at *https://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* Controlled Unclassified Information (CUI) (formerly referred to as Confidential Business Information (CBI)) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be CUI 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 CUI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Fausto Taveras, Environmental Protection Agency, Air Programs Branch, Region 2, 290 Broadway, New York, New York 10007–1866, telephone number: (212) 637–3378, email address: *taveras.fausto@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. What did New York submit?

On January 29, 2021, New York submitted a SIP revision for purposes of addressing ozone elements for the 2008 and 2015 ozone 8-hour NAAQS for the New York portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT) nonattainment area (also referred to as the New York Metro Area or NYMA). Within this comprehensive SIP, the State included its certification that it has satisfied the requirements of an emission statement program for the 2015 ozone Moderate classification, pursuant to CAA section 182(a)(3)(B) and 182(b), for the NYMA nonattainment area.

In addition, New York also submitted a comprehensive SIP revision on November 29, 2021. Within that submittal, New York included its certification that the State has satisfied the requirements of an emission statement program for the 2008 ozone Serious classification, pursuant to CAA section 182(a)(3)(B) and 182(c), for the NYMA nonattainment area. The EPA addressed the remaining ozone elements, outlined in New York's comprehensive January 29, 2021, and November 29, 2021, SIP revisions, in a separate rulemaking. 88 FR 77208 (November 9, 2023). Table 1 presents the Ozone SIP elements addressed in New York's comprehensive January 29, 2021, and November 29, 2021, SIP submissions along with the respective ozone NAAQS classification and nonattainment areas.

TABLE 1—SIP ELEMENTS ADDRESSED IN NEW YORK'S COMPREHENSIVE SIP REVISION SUBMITTED ON JANUARY 29, 2021, AND NOVEMBER 29, 2021

Ozone NAAQS and classification	SIP element	Nonattainment areas	SIP submission date
2008 Ozone NAAQS—Serious Classification.	Certification of the State's Emission Statement Program pursuant to CAA section 182(c).	New York's portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT).	November 29, 2021.
2015 Ozone NAAQS—Moderate Classification.	Certification of the State's Emission Statement Program pursuant to CAA section 182(a)(3)(B) and 182(b).	New York's portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT).	January 29, 2021.

II. Background

A. Ozone Designations and Relevant SIP Submissions

In 2008, the EPA revised the health-based NAAQS for ozone, setting it at 0.075 parts per million (ppm), or 75 parts per billion (ppb), averaged over an 8-hour time frame. 73 FR 16436 (March 27, 2008). The EPA determined that the revised 8-hour standard would be more protective of human health, especially for children and adults who are active outdoors and individuals with a pre-existing respiratory disease like asthma. *Id.*

On May 21, 2012, the EPA published its final attainment/nonattainment designations for areas across the country with respect to the 2008 8-hour ozone standard. 77 FR 30088. This action became effective on July 20, 2012. Within that action, the EPA designated two 8-hour ozone marginal

nonattainment areas in New York State, which were the New York portion of the NYMA and the Jamestown nonattainment area. The remainder of New York State was designated as unclassifiable/attainment. The New York portion of the NYMA is composed of the five boroughs of New York City and the surrounding counties of Nassau, Suffolk, Westchester, Rockland, and the Shinnecock Indian Nation.[1] 40 CFR 81.333. The Jamestown nonattainment area is composed of Chautauqua County. *Id.* On May 4, 2016, the EPA determined that Jamestown attained the 2008 ozone NAAQS by the July 20, 2015, attainment date and that the NYMA nonattainment area did not, therefore reclassifying the New York portion of the NYMA from a Marginal to a Moderate nonattainment area. 81 FR 26697. Following the NYMA's reclassification, the nonattainment area had an applicable attainment date of July 20, 2018. *Id.* Subsequently, the NYMA nonattainment area also failed to meet the Moderate July 20, 2018, attainment date. Therefore, on August 23, 2019, the EPA published a final rule that reclassified the New York portion of the NYMA, and other States' nonattainment areas, from Moderate to Serious for the 2008 ozone standard. 84 FR 44238. After the NYMA was reclassified to a Serious nonattainment area, on November 29, 2021, New York submitted a comprehensive SIP revision; this November 29, 2021 SIP revision included an attainment demonstration and emission statement certification and other required SIP elements relating to the 2008 8-hour ozone standard for the Serious classification.[2] The EPA published a final rule that reclassified the New York portion of the NYMA, along with other States' nonattainment areas, from Serious to Severe because the NYMA nonattainment area also failed to meet the Serious area attainment date of July 20, 2021. 87 FR 60926 (October 7, 2022). This reclassification to Severe resulted in a revised attainment date for the New York portion of the NYMA of July 20, 2027. *Id.* A SIP submittal to address the requirements associated with the Severe classification was due on May 7, 2024. *Id.*

Regarding the 2015 ozone NAAQS, on June 4, 2018, the EPA published a final rule establishing designations and classifications for this standard for most areas of the country, including New York. *See* 83 FR 25776 (June 4, 2018). This final rule created a Moderate nonattainment area within the NYMA, which includes the five boroughs of New York City and the surrounding counties of Nassau, Suffolk, Westchester, Rockland and the Shinnecock Indian Nation. Since the NYMA was reclassified to a Moderate nonattainment area, New York, on January 29, 2021, submitted a comprehensive SIP revision, including a Reasonably Available Control Technology (RACT) and emission statement certification, relating to the 2015 8-hour ozone standard for the Moderate classification.[3] On July 25, 2024, the EPA granted a voluntary reclassification request under CAA section 181(b)(3) for the NY-NJ-CT nonattainment area for the 2015 ozone NAAQS, which reclassified the area from Moderate to Serious. 89 FR 60314. SIP submissions that address the requirements associated with the Serious classification are due on January 1, 2026. 90 FR 5651.

Additionally, on December 6, 2018, the EPA published a final rule outlining requirements for States to follow for implementing their 2015 ozone NAAQS (2015 Ozone Implementation Rule). 83 FR 62998. The December 6, 2018, rule provides that air agencies must either submit the emission statement regulation required by CAA section 182(a)(2)(B) or provide a written statement to the EPA as a SIP revision for approval certifying a previously approved regulation. *Id.*

B. Statutory and Regulatory Requirements for Emission Statements

The air quality planning and SIP requirements for ozone nonattainment and transport areas are established in subparts 1 and 2 of part D of title I of the Act, as amended in 1990. The EPA published a ''General Preamble'' and ''Appendices to the General Preamble,'' which describe how the EPA intends to review SIPs submitted under title I of the Act. 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992). The EPA has also issued a draft guidance document, entitled ''Guidance on the Implementation of an Emission Statement Program'' (Emission Statement Guidance), dated July 1992, which describes the minimum requirements for approvable emission statement programs.[4]

Section 182(a)(3)(B)(i) of the Act requires that States, which contain all or part of any non-attainment area, submit SIP revisions to the EPA by November 15, 1992. The provision further requires that owners/operators of stationary sources of volatile organic compounds (VOC) and nitrogen oxides (NO_X) provide the State with a statement, at least annually, of the source's actual emissions of VOC and NO_X. Sources were to submit their first emission statements to their respective States by November 15, 1993. Pursuant to the Emission Statement Guidance, if the source emits either VOC or NO_X at or above levels for which the State Emission Statement rule requires reporting, then the source should include the other pollutant (*i.e.,* VOC or NO_X) in the same facility's emission statement, even if the source emits the other pollutant below the minimum reporting level.

Section 182(a)(3)(B)(ii) of the Act allows States to waive, with the EPA's approval, the requirement for an emission statement for classes or categories of sources located in nonattainment areas, which emit less than 25 tons per year (tpy) of the actual plantwide VOC or NO_X. The section 182(a)(3)(B)(ii) waiver includes the following conditions: (1) the class or category of sources are included in the base year and periodic inventories, and (2) emissions are calculated using emission factors established by the EPA, such as those found in EPA publication AP–42 or other methods acceptable to the EPA.[5]

The required Emission Statement Program defines how air agencies obtain emissions data directly from certain

[1] Information pertaining to areas of Indian country is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. The EPA lacks the authority to establish Indian country land status and makes no determination of Indian country boundaries. 77 FR 30088 (May 21, 2012).

[2] On November 9, 2023, the EPA approved portions of a comprehensive SIP revision submitted by New York on November 29, 2021, which included: (1) The reasonable further progress plan and transportation conformity budgets for the 2008 8-hour ozone Serious classification of the NYMA; (2) an ozone nonattainment new source review (NNSR) program which applies state-wide for emissions of NO_X and VOC from stationary sources; (3) a nonattainment emission inventory; and (4) clean fuels for fleets. *See* 88 FR 77208.

[3] On November 9, 2023, the EPA approved portions of a comprehensive SIP revision submitted by New York on January 29, 2021, which included: (1) RACT certification for the 2008 8-hour Ozone NAAQS in the New York portion of the NY-NJ-CT nonattainment area for the Serious classification; (2) RACT certification for the 2015 8-hour Ozone NAAQS in the New York portion of the NY-NJ-CT nonattainment area for the Moderate classification; and (3) RACT certification for the 2015 8-hour Ozone NAAQS throughout the entire State of New York to address RACT commitments as part of the Ozone Transport Region. 88 FR 77208.

[4] EPA, Guidance on the Implementation of an Emission Statement Program, available at *https://www.epa.gov/air-emissions-inventories/guidance-implementation-emission-statement-program* (URL dated March 25th, 2025).

[5] EPA, AP–42 Compilation of Air Pollutant Emissions Factors from Stationary Sources, available at *https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors-stationary-sources* (URL dated March 27th, 2025).

facilities and then report this data, along with other information, to the EPA as part of the SIP emission inventories required under CAA sections 182(a)(1) and 182(a)(3)(A). The Emission Statement Program is generally referred to as an emissions statement regulation as it outlines how certain facilities must report emissions and facility activity data to an air agency (typically a state agency). Reports submitted to air agencies must be accompanied by ''a certification that the information contained'' in the report is ''accurate to the best knowledge'' of the facility.[6] To properly implement the emissions reporting requirements, emissions statement regulations should be coordinated carefully with the data elements required by the EPA (*see* 40 CFR 51.1115 and 40 CFR 51.1315).

III. Summary and Evaluation of New York's Emission Statement Certifications

As discussed in section I., New York's January 29, 2021, and November 29, 2021, comprehensive SIP submissions included emission statement certifications for the Moderate and Serious classifications of the New York portion of the NYMA for the 2015 and 2008 Ozone NAAQS, respectively.

In New York's January 2021 SIP submittal, the State certified that its state-wide federally approved regulation at title 6 of the New York Code of Rules and Regulation (NYCRR) subpart 202–2, ''Emission Statements,'' satisfies the federal requirement for an emission statement program for the 2015 70 ppb 8-hour ozone NAAQS (6 NYCRR subpart 202–2). The EPA most recently approved New York's state-wide certification on May 13, 2020, for satisfying the requirement of an emission statement program for the 2008 8-hour ozone NAAQS for the Moderate classification. 85 FR 28490.

The EPA stated in the 2015 ozone implementation rule that if an area has a previously approved emission statement rule enforced for (1) the 2008 ozone NAAQS; (2) the 1997 ozone NAAQS; or (3) the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2015 ozone NAAQS, then such a rule should be sufficient for the purposes of the emissions statement requirement for the 2015 ozone NAAQS.83 FR 62998 (December 06, 2018).

Under 6 NYCRR subpart 202–2, ''Emission Statements,'' owners or operators of a major facility within the State, including stationary sources of VOCs or NO_X that emit 25 tpy or greater, must submit annual emission statements to the New York Department of Environmental Conservation (NYSDEC).[7] The emission statements submitted to the NYSDEC are required to include actual annual emissions of VOC and NO_X in units of pounds per year. Consistent with 40 CFR 51.1115(d) and 40 CFR 51.1315(d), the NYSDEC develops and submits reports of emissions from point sources to the EPA pursuant to the Federal Air Emission Reporting Requirements (AERR) Rule for uploading to the EPA's National Emission Inventory (NEI).

New York certifies that the emission statement requirement of CAA section 182(a)(3)(B) is fully addressed through 6 NYCRR subpart 202–2, which is applicable state-wide.[8] Therefore, the EPA is proposing to approve New York's emission statement certification that the previously approved SIP element fully meets the requirements of the CAA for the Moderate classification of the 2015 8-hour ozone NAAQS for the New York portion of the NYMA nonattainment area. The EPA determines that the State's previously approved emission statement program is certified to meet the requirements for the Moderate classification of the 2015 Ozone NAAQS, since the program collects data on actual VOC and NO_X emissions in pounds per year from major sources that emit or have the potential to emit 25 tpy or greater of VOC or NO_X. Appendix A to subpart A of part 51, title 40. The EPA approved a revision to 6 NYCRR subpart 202–2 into New York's SIP on December 28, 2023. 88 FR 89593.

In the November 29, 2021, SIP submittal, New York also certifies that the same state-wide federally approved regulation at 6 NYCRR subpart 202–2, ''Emission Statements,'' continues to satisfy the CAA section 182(a)(3)(B) and section 182(c) requirements for an emission statement program for the Serious classification of the 2008 75 ppb 8-hour ozone NAAQS. Similarly, the EPA stated in the 2008 ozone implementation rule that if an area has a previously approved emission statement rule enforced for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS. 80 FR 12264 (March 6, 2015). As described earlier in this section, on May 13, 2020, the EPA approved New York's state-wide certifications, for addressing the emission statement requirement as it relates to the NYMA's 2008 75ppb 8-hour ozone NAAQS Moderate classification. 85 FR 28490. Therefore, the EPA is also proposing to approve New York's emission statement certification that the previously approved SIP element fully meets the CAA requirements for the Serious classification of the 2008 8-hour ozone NAAQS for the New York portion of the NYMA nonattainment area.

IV. The EPA's Proposed Action

In this rule, the EPA is proposing to approve the certifications included in New York State's January 29, 2021, and November 29, 2021, comprehensive SIP revisions. Within the January 29, 2021, comprehensive SIP revision, New York certified that the State has satisfied the requirements of an emission statement program for the 2015 ozone Moderate classification, pursuant to CAA sections 182(a)(3)(B) and 182(b), for the NYMA nonattainment area. Additionally, New York's November 29, 2021, comprehensive SIP revision provided certification that the State's existing emission statement regulation addresses the requirements of an emission statement program for the 2008 ozone Serious classification, pursuant to CAA sections 182(a)(3)(B) and 182(c), for the NYMA nonattainment area. The EPA has determined that New York's federally approved emission statement regulation, 6 NYCRR subpart 202–2, ''Emission Statements,'' continues to properly implement the emissions statement requirements of CAA sections 182(a)(3)(B) and 182(c) consistent with 40 CFR 51.1115 and 40 CFR 51.1315.

The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register** document.

[6] U.S. EPA 1992 Guidance of the Implementation of an Emission Statement Program, Research Triangle Park, NC. Appendix B–2.

[7] Pursuant to CAA section 182(a)(3)(B)(ii), facilities that are not included in New York's Emission Statement Program are still included the State's subsequent periodic emission inventories. 6 NYCRR subpart 202–2.2(b)(3) provides, that ''every three annual reportable emissions shall include the actual annual emissions of exempt emission sources,'' while 6 NYCRR subpart 202–2.3(e) requires facilities to report estimates of VOC, NO_X, SO_2, $PM_{2.5}$, PM_{10}, and CO emissions from exempt activities every three years as part of the periodic emission inventory.

[8] The EPA approved this state-wide certification on May 13, 2020, for the 2008 75ppb 8-hour ozone NAAQS Moderate classification (85 FR 28490).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k)(3); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt 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 proposing to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and it 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, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Michael Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025–08077 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2025–0173; FRL–12753–01–R6]

Air Plan Approval; Louisiana; Nonattainment Plan for the Evangeline Parish 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve Louisiana's State Implementation Plan (SIP) revision submitted to EPA on April 2, 2025, for the Evangeline Parish 2010 1-hour sulfur dioxide (SO_2) primary national ambient air quality standard (NAAQS) nonattainment area. EPA is proposing approval of the following Clean Air Act (CAA) SIP elements: The attainment demonstration for the SO_2 NAAQS, which includes an Agreed Order on Consent (AOC) for the Cabot Corporation's Ville Platte Plant (Cabot) facility; the reasonable further progress (RFP) plan; the reasonably available control measures (RACM) and reasonably available control technology (RACT) demonstration; the emission inventories; and the contingency measures. The State has demonstrated that its current Nonattainment New Source Review (NNSR) program covers this NAAQS; therefore, no revision to the SIP is required for the NNSR element.

DATES: Comments must be received on or before June 9, 2025.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2025–0173, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Andrew Lee, 214–665–6750, *lee.andrew.c@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov.* While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Andrew Lee, EPA Region 6 Office, Ozone and Infrastructure Section, 214–665–6750, *lee.andrew.c@epa.gov.* We encourage the public to submit comments via *https://www.regulations.gov.* Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. Background

A. Evangeline Parish SO_2 Nonattainment Area

On June 22, 2010, the EPA published a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site (or in the case of dispersion modeling, at an ambient air quality receptor location) when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50.[1] On December 21, 2017, the EPA designated a portion of Evangeline Parish, Louisiana as nonattainment for the SO_2 NAAQS, effective April 9, 2018.[2] The EPA based the nonattainment designation on modeling for the 2013–2015 period submitted by the State, which demonstrated that the area violated the NAAQS with a modeled design value of 106 ppb. The primary source of SO_2 emissions in the area is the Cabot facility which manufactures various grades of carbon black for use in various industrial applications such as the production of rubber products.

Section 191 of the CAA directs Louisiana to submit a SIP for the Evangeline Parish area within 18 months of the effective date of the designation, *i.e.,* by no later than October 9, 2019. Under CAA section 192, Louisiana's SIP must demonstrate that Evangeline Parish will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, *i.e.,* April 9, 2023. On November 3, 2020, the EPA issued a final action of Finding of Failure to Submit a SIP Required for Attainment of the 2010 1-Hour Primary SO_2 NAAQS for Evangeline Parish.[3] This finding triggers certain CAA deadlines for the EPA to impose mandatory emission offsets and highway funding sanctions, unless and until the State submits a SIP revision satisfying the CAA's completeness criteria. Additionally, this finding triggered the CAA section 110(c) requirement for EPA to promulgate a Federal implementation plan (FIP) within two years of the finding unless the State submits and obtains EPA approval of a SIP revision which corrects the deficiency before EPA promulgates a FIP.

On December 16, 2024, the EPA published the finding that the Evangeline Parish area failed to attain the 2010 SO_2 NAAQS by the April 9, 2023, CAA attainment date.[4] The determination was based upon evaluation of SO_2 emissions data and prior modeling for the area. EPA found that emissions increased when comparing the 2020–2022 period to the prior modeled emissions (2013–2015) underlying the EPA's nonattainment designation. Under section 179(d) of the CAA, following the finding of failure to attain by the attainment date, Louisiana shall submit a SIP revision by December 16, 2025, that provides for attainment of the NAAQS as expeditiously as practicable, but no later than December 16, 2029.

On April 2, 2025, Louisiana submitted the Evangeline Parish nonattainment SIP revision to the EPA. The SIP revision includes a newly established Administrative Order on Consent (AOC) containing the enforceable control strategy which is incorporated into the attainment demonstration (AD) for Evangeline Parish. This SIP revision contemplated in this proposed approval fulfills the SIP submittal requirement imposed by both CAA sections 191(a) and 179(d).

B. Requirements for SO_2 Nonattainment Area Plans

SO_2 Nonattainment area SIPs must meet the applicable requirements of CAA sections 110, 172, 191, and 192. The EPA's regulations governing nonattainment area SIPs are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements found at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, the EPA issued comprehensive guidance on SIPs, in a document entitled the ''General Preamble for the Implementation of Title I of the Clean Air Act amendments of 1990,'' published at 57 FR 13498 (April 16, 1992) (General Preamble). Among other things, the General Preamble addressed SO_2 SIPs and fundamental principles for SIP control strategies. *Id.,* at 13545–49, 13567–68. On April 23, 2014, the EPA issued additional guidance for meeting the statutory requirements in SO_2 SIPs in a document titled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (April 2014 SO_2 Guidance).[5] In this guidance, the EPA describes how a nonattainment area SIP can satisfy the following CAA requirements: an accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area, an AD, RFP, RACM, (including RACT), NNSR program, enforceable emissions limitations and control measures, and adequate contingency measures for the affected area.[6]

Under CAA sections 110(l) and 193, the EPA may not approve a SIP revision that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement under the Act.

C. Attainment Demonstration Requirements for SO_2 Nonattainment Area Plans

CAA section 172(c)(1) requires a SIP to provide for attainment of the NAAQS. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet. Generally, SO_2 ADs consist of two components: (1) emission limits and other control measures that assure implementation of permanent, enforceable, and necessary emission controls and (2) a modeling analysis which demonstrates that the emission limits and control measures provide for attainment as expeditiously as practicable, but no later than the attainment date, and meet the requirements of 40 CFR part 51, appendix W (*Guideline on Air Quality Models*) and other EPA guidance.

In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance. As discussed in the General Preamble, the emission limits and control measures should be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measurable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the

[1] *See* 75 **Federal Register** (FR) 35520. *See also* 40 Code of Federal Regulations (CFR) 50.17(a) and (b).

[2] *See* 83 FR 1098.

[3] *See* 85 FR 69504, November 3, 2020.

[4] *See* 89 FR 101475, April 9, 2023.

[5] ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' available at: *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[6] *See* section V. of ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions''.

assumptions used in the SIP demonstrations).[7]

40 CFR 51.112(a)(1) states that all applications of air quality modeling shall be based on the applicable models specified in the Guideline on Air Quality Models (Modeling Guideline). Appendix A to the *Guideline on Air Quality Models* delineates the EPA's preferred models and other recommended techniques, as well as guidance for their use in estimating ambient concentrations of air pollutants.[8] [9] In 2005, based on extensive developmental and performance evaluation, the EPA promulgated AERMOD as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (*e.g.,* for estimating SO_2 concentrations) in all types of terrain.[10]

The Modeling Guideline is periodically updated with the latest recommended techniques and guidance for usage, with the applicable requirements being those in effect at the time the modeling was completed. The version of the Modeling Guideline in effect at the time Louisiana developed its SIP was adopted in a **Federal Register** action on January 17, 2017, effective May 22, 2017.[11]

Based on and consistent with the Modeling Guideline's requirements, EPA has issued supplemental guidance on modeling for purposes of demonstrating attainment of the 2010 SO_2 NAAQS in its April 2014 SO_2 Guidance titled ''Appendix A. Modeling Guidance for Nonattainment Areas'' (April 2014 SO_2 Guidance Appendix A). The April 2014 SO_2 Guidance Appendix A provides specific SO_2 modeling guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations.

As stated previously, ADs for the 2010 SO_2 NAAQS should demonstrate attainment of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling to show that the mix of sources, control measures, and emission rates in an area will not lead to a violation of the SO_2 NAAQS.[12] For a short-term (*i.e.,* 1-hour) standard, the EPA has stated that dispersion modeling, using allowable emissions and addressing stationary sources in the area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient, and effective in demonstrating attainment Dispersion modeling takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO_2. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010, clarification memo on ''Applicability of Appendix W Modeling Guidance for the 1-hr SO_2 National Ambient Air Quality Standard.'' [13]

II. Review of Modeled Attainment Plan

This section discusses the EPA's review and analysis of the modeled attainment plan, including model selection and general model inputs, meteorological data, emissions data, receptor grid, emissions limits, and background concentrations. A complete, detailed discussion of the modeling requirements and our analysis is presented in the technical support document (TSD) contained in the public docket for this proposed action.

A. Model Selection and General Model Inputs

Louisiana's AD modeling conducted by Trinity Consultants, Inc. (TCI), on behalf of Cabot, used EPA's regulatory dispersion model, AERMOD, to determine the SO_2 emission reductions needed to bring the Evangeline Parish area into attainment. TCI relied upon AERMOD Version 23132 and the companion AERMOD User Guide (EPA, October 2023) documentation in developing this AD, as it was the most recent EPA approved version of AERMOD at the time the work was conducted. Regulatory default options were specified in developing the AD that are consistent with established practices for use of AERMOD in determining NAAQS compliance for SIP revisions. Included among those default options are stack tip downwash, buoyancy induced dispersion, default wind profile coefficients, default vertical potential temperature gradients, and final plume rise. EPA finds these selections appropriate.

The most significant source, and only point source, addressed in the modeling for the area is Cabot. This facility is the principal cause of the modeled violations in the area. At the location of highest concentrations modeled in the area, the Cabot facility contributed more than 99% in total to the modeled violations. The modeling techniques used for this source are discussed later in this section.

The selection of terrain data corresponds to the geographic area represented by the Evangeline Parish nonattainment area, as well as the locations of buildings and structures nearby the source that influence concentrations in the area. TCI generated the necessary terrain inputs for AERMAP using U.S. Geological Survey (USGS) National Elevation Dataset (NED). Elevations from the NED data were determined for all sources and structures, and both elevations and representative hill heights were determined for receptors.

A detailed site characterization of the Cabot facility provided dimensional and locational data for structures and stacks necessary for addressing building-induced plume downwash. TCI used the EPA's Building Profile Input Program with PRIME algorithm (BPIPPRM, dated 04274) to generate direction-specific building parameters for modeling building wake effects through the assistance of TCI's *BREEZE*® software that fully incorporates the EPA sanctioned BPIPPRM. The location and height of each stack to be evaluated and those of nearby structures were processed in BPIPPRM to produce the building downwash parameters required by AERMOD.

The Cabot facility has four main production units, VP–1 through VP–4 (Units 1 through 4). During normal operations, all four units feed into the MAIN stack which will be installed with a wet gas scrubber pollution control device. When the MAIN stack and emission controls are undergoing scheduled maintenance, the Cabot facility will rely on its existing unit specific stacks that are monitored with the existing Predictive Emissions Monitoring System (PEMS). VP–3 (Unit 3) has its own flare stack (SFLR3) and dryer stack (SDRY3). VP–4 (Unit 4) has its own flare stack (SFLR4) whereas VP–1 and VP–2 uses a combined flare (SFLR12). VP–1, VP–2, and VP–4 use a combined dryer stack (SDRY124).

TCI used site specific building and stack data to model all stacks in the Cabot facility at the lesser of actual stack height or Good Engineering Practice

[7] *See* published in the **Federal Register** at 57 FR 13498 (April 16,1992) at 13567–68.

[8] *See* 80 FR 45340 (July 29, 2015).

[9] The EPA published revisions to the *Guideline on Air Quality Models* on January 17, 2017, (*see* 82 FR 5182) and on November 29, 2024 (*see* 89 FR 95034).

[10] *See* 70 FR 68218 (November 9, 2005).

[11] *See* 82 FR 5182 (January 17, 2017). The Modeling Guideline has since been revised effective March 21, 2025. *See* 89 FR 95034 (November 29, 2024). *See also https://www.epa.gov/scram/2024-appendix-w-final-rule.*

[12] April 2014 SO_2 Guidance pages 11–12.

[13] *See https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/20100823_page_1-hr_so2_naaqs_psd_program.pdf.*

(GEP) stack height. For more details, analyses, and conclusions about the sources modeled and how they were modeled, see our TSD. EPA finds that LDEQ's model selection and selection of general inputs for its model conform with EPA's modeling requirements.

B. Meteorological Data

In accordance with the Modeling Guideline and EPA's guidance cited previously, meteorological data must be selected from a nearby and representative source and adequately processed for use in AERMOD. The State's modeling relied on the most recent five years (2016–2021) [14] of surface meteorological and coincident upper air data that was available at the time from the national weather service (NWS) Lake Charles Regional Airport meteorological station (WBAN No. 03937) (Lake Charles Station) to generate the necessary meteorological inputs for use in AERMOD. The Lake Charles station is the closest station to Cabot and was therefore selected as the most representative of meteorological conditions within the area of analysis due to proximity, similar terrain, and availability of recently collected data. TCI processed the surface and upper air data using the appropriate versions of AERMINUTE, AERSURFACE, and AERMET meteorological processing tools. AERMINUTE was used to process NOAA's 1-minute ASOS data, AERSURFACE was used to generate the surface characteristic values for the met station, and then AERMET used those files to generate meteorological data files for AERMOD.

The Lake Charles station meets the EPA's criteria as being nearby and representative. The EPA also finds that TCI adequately processed the upper air and surface air data from the Lake Charles station in accordance with the Modeling Guideline and the EPA's AERMOD Implementation Guide [15] to generate the necessary meteorological data to be used in the AERMOD model runs. Therefore, the EPA is proposing to find the selection and processing of these data acceptable.

[14] The 2020 meteorological data for Lake Charles Regional Airport do not meet U.S. EPA's data requirement for 90% completeness by quarter for wind direction, wind speed, and temperature. As such, 2020 was excluded from meteorological data calculations, leaving the five years of 2016–19 and 2021. *See* Table 2–2 of TCI's Modeling Report for a report of missing met data by year and quarter.

[15] *See* November 2024 AERMOD implementation guide. This modeling project was completed prior to this version of the Guide, but the updates do not affect how AERMOD or its preprocessors function for this specific project. *See https://gaftp.epa.gov/Air/aqmg/SCRAM/models/preferred/aermod/aermod_implementation_guide.pdf.*

C. Emissions Data

The primary source contributing to modeled violations in the nonattainment area is the Cabot facility. This SIP revision includes an emission inventory for SO_2 sources that found that the Cabot facility is the only point source located within the Evangeline Parish nonattainment area and there are no major source SO_2 facilities within 50 miles of Cabot. Furthermore, there are no nearby sources outside the nonattainment area that could impact the concentration gradient created by the Cabot facility. The impacts of SO_2 emissions from non-point sources, for example mobile emissions, incineration, agricultural field burning, etc., were not explicitly modeled in AERMOD but instead represented via monitored background data.

The plant has four carbon black production units: VP–1 through VP–4. VP–3 has its own flare stack (SFLR3) and dryer stack (SDRY3). VP–4 has its own flare stack (SFLR4) whereas VP–1 and VP–2 have a combined flare stack (SFLR12). VP–1, VP–2, and VP–4 have a combined dryer stack (SDRY124). As discussed elsewhere, during normal operations, emissions from VP–1 through VP–4 will be routed through emission controls and the MAIN stack. Hence, there are six major emissions points of SO_2 at the Cabot facility: MAIN stack, SFLR3 flare stack, SDRY3 dryer stack, SFLR4 flare stack, SFLR12 flare stack, and SDRY124 dryer stack. Furthermore, there are several minor sources of SO_2 at the Cabot facility that were also accounted for in the State's modeling: sampling units (EQT 0041), plant-wide fugitive emissions (FUG 001), and unit process filters (EQT 0005, EQT 0007, EQT 0030, EQT 0032). LDEQ's previous modeling, submitted for EPA's designation of the area, showed that Cabot was the principal contributor to the highest modeled violations.[16]

The SIP's AD modeling covers operating scenarios with emissions through the wet gas scrubber (WGS) and MAIN stack as well as a number of operating scenarios for maintenance periods with emissions through the flare and dryer stacks. This approach enabled the determination of emission rates for each operating scenario that were shown through the modeling to be consistent with attainment of the NAAQS. EPA's review and analysis of the SIP revision's emissions limits and operating parameters for the facility can be found in section II, E. *Emission Limits*, of this document.

[16] *See https://www.epa.gov/sites/default/files/2017-08/documents/16_la_so2_rd3-final.pdf.*

Additional details and evaluation of the emissions data utilized in the AD are provided in our accompanying TSD and TCI's Modeling Report.

D. Receptor Grid

Within AERMOD, air quality concentration results are calculated at discrete locations identified by the user; these locations are called receptors. TCI's modeling domain for this demonstration consisted of four nested receptor grids which increase in spacing as the receptors increase in distance from Cabot. The inner most grid consists of a circle approximately centered upon the location of Cabot's new MAIN stack, extending outward to one kilometer from the facility center filled with a gridded receptor array at 25-meter intervals. This 25-meter spaced grid also includes receptors on the property fence line, on the public road that bisects the plant, and the adjacent railway. The second grid consists of 100-meter spaced receptors filling the space between 1-kilometer and 2-kilometer circles. The third grid from the center extends from 2 to 5 km with receptors spaced 200 meters apart. The outermost rectangular grid (also trimmed to the shape of a circle) extends from 5 kilometers from the Cabot facility to 10 kilometers with receptors placed every 500 meters. Receptors were excluded within the boundary of the Cabot facility which is considered non-ambient air relative to its own emissions. The modeling domain and receptor network are sufficient to identify maximum impacts from the modeled sources, and detect significant concentration gradients, and are adequate for demonstrating attainment in the nonattainment area and the surrounding area.

E. Emission Limits

An important aspect of a SIP is that the emission limits providing for attainment be quantifiable, fully enforceable, replicable, and accountable. *See* published in the **Federal Register** at 57 FR 13498 (April 16, 1992) at 13567–68. This SIP revision incorporates an Administrative Order on Consent (AOC) between LDEQ and Cabot. The AOC prescribes the emissions limits and operating parameters, among other requirements, for the emissions stacks and small sources associated with the four carbon black production units (VP–1 through VP–4) which are reflected in the modeling demonstration. Cabot's operations fall under two categories: Category 1—Series of operational scenarios for planned turnaround (every fifth year) and yearly planned outages of

the WGS; and Category 2—Normal Operations where the WGS is operating and emissions are routed through WGS before exiting the MAIN.

In 2013, EPA and Louisiana entered into consent decrees with select carbon black facilities, including Cabot, in Louisiana for violations of the Prevention of Significant Deteriorations provision of the CAA.[17] As part of the EPA's Carbon Black Consent Decrees (CD), Cabot's Ville Platte plant in Evangeline Parish and others agreed (with Louisiana as an intervenor) to the installation of a wet gas scrubber pollution control system (WGS) that reduces SO_2 emission by at least 95 percent. Another requirement of the CD was to limit the use of flares at these facilities to periods when the control device is under maintenance, and to limit the hours of this planned maintenance. These CD requirements are reflected in the emission limits submitted in this SIP.

Category 1: Planned turnaround (every fifth year) and yearly planned outages: Planned turnaround includes scheduled downtime for maintenance, repairs, and upgrades that can last up to 744 hours and occur every five (5) years). Yearly planned outages occur in years when turnarounds are not scheduled and can last up to 168 hours. During both periods, the WGS and MAIN stack (through which the WGS exhausts to atmosphere) are not operational. In lieu of being routed to the MAIN stack, emissions from the VP–1 and VP–2 are routed through SFLR12 flare and SDRY124 dryer stack, VP–3 emissions are routed through SFLR3 flare and SDRY3 dryer stack, and VP–4 emissions are routed through SFLR4 flare and SDRY124 dryer stack.

In situations where a flare becomes inoperable, the facility must cease feeding the carbon black feedstock to the associated carbon black production unit. Under category 1, there are five different operating scenarios allowed depending on the number of units operating, operating capacity and the feedstock selected. During Category 1 operations, when units VP–1 through VP–4 are transitioning from cold start to steady state operations, startup of the emission units shall be conducted in accordance with the sequence of operations in Table 1 of this document. No two units will simultaneously undergo startup. Table 2 provides the different operating scenarios that are allowed during Category 1 planned outage and turnaround periods along with the associated operating units and maximum sulfur feedstock allowed during each such scenario. Table 3 provides the maximum emission limit of each stack associated with each operating scenario in Category 1. Table 3 establishes emission rates for the next-to-last-step (worst case hours) and separate emission rates when all emission units are steady state. The next-to-last-step emission rates are higher due to the transitional state of the last unit in startup mode, where burners may be sputtering or not staying lit in transitional state but are firing consistently and uniformly in steady state.

Category 2: Normal Operations: Category 2 is defined as times when the WGS is fully operational with emissions routed through the WGS before being released to the atmosphere through the MAIN stack. During periods of normal operations, emissions from units VP–1 through VP–4 must be routed through the WGS and then out of the MAIN stack. Table 2 provides the maximum sulfur feedstock allowed during Category 2 normal operations, and Table 3 provides the allowable emission rate limits during Category 2 operations.

Operating Scenarios and Associated Emissions Limits: the operating parameters of the individual point sources of SO_2 for the crucial processes at the Cabot facility and the emission limitations are detailed in Tables 1 through 3 and described briefly here. During periods of planned outage/turnaround (in Category 1 operations) startup of emission units VP–1 through VP–4 shall be conducted in accordance with the sequence of operations in Table 1. Table 1 identifies the specific steps that are followed to bring the units up to production mode status. Each unit startup has two phases—transitional and steady-state. See the Category 1 description above for further explanation of transitional and steady state. Table 2 lists all allowable operating scenarios, including Category 2 operations, with the sulfur feedstock and capacity restrictions that the facility may operate under. The combination of Tables 1 and 2 are provided in TCI's Modeling Report (Tables 2–6 through 2–17) where each scenario with each step's emissions is identified. For example, under Table 2, Scenario 4, all dryers and flare stacks are emitting, but Scenario 1C of Table 2 has only one flare and one dryer stack operating, consistent with operating only VP–3. Table 3 was derived to identify the emission limits for each stack by which the facility must abide under each operating category and scenario. Continuing with our example, Table 3 lists the emission limits for each dryer and flare stack operating under Scenario 4 and Scenario 1C. For more details on these emissions allocations, see the *Scenario Specific Emission Rates* section of the TCI's Modeling Report, p2–11 through 2–20, especially Tables 2–6 through 2–17.

TABLE 1—SEQUENCE OF OPERATION OF UNITS DURING PLANNED OUTAGE/TURNAROUND PERIOD

Step	Action			
1	Check emergency systems. All four process units (VP–1 through VP–4) are off.			
2	All units warm up.			
3	Purge gas header system.			
4	Light dryers, purge filters.			
5	First Unit transitional *i.e.,* any one of VP–1 through VP–4, depending on scenario[18].	Second Unit is off	Third Unit is off	Fourth Unit is off.
6	First Unit Steady State	Second Unit is off	Third Unit is off	Fourth Unit is off.
7	First Unit Steady State	Second Unit Transitional.	Third Unit is off	Fourth Unit is off.
8	First Unit Steady State	Second Unit Steady State.	Third Unit is off	Fourth Unit is off.
9	First Unit Steady State	Second Unit Steady State.	Third Unit Transitional.	Fourth Unit is off.

[17] *See* Appendix C: Cabot Corporation Consent Decree of LDEQ's SIP submittal.

[18] Cabot will start the units in the following order only: VP–4 will always be started first, followed by VP–1 and/or VP–2. VP–3 will always be started last. For scenarios that have fewer units operational, the same order (after excluding non-operational units) will be maintained.

TABLE 1—SEQUENCE OF OPERATION OF UNITS DURING PLANNED OUTAGE/TURNAROUND PERIOD—Continued

Step				
10	First Unit Steady State	Second Unit Steady State.	Third Unit Steady State.	Fourth Unit is off.
11	First Unit Steady State	Second Unit Steady State.	Third Unit Steady State.	Fourth Unit Transitional.
12	First Unit Steady State	Second Unit Steady State.	Third Unit Steady State.	Fourth Unit Steady State.

TABLE 2—OPERATING SCENARIOS

Scenario		Description	Maximum sulfur feedstock (%)
Category 1	1A	4.0% Sulfur Feedstock with VP–1 (SFLR12 and SDRY124) Operational at Normal Capacity.	4.00
Category 1	1B	4.0% Sulfur Feedstock with VP–2 (SFLR12 and SDRY124) Operational at Normal Capacity.	4.00
Category 1	1C	3.5% Sulfur Feedstock with VP–3 (SFLR3 and SDRY3) Operational at Normal Capacity.	3.50
Category 1	1D	4.0% Sulfur Feedstock with VP–4 (SFLR4 and SDRY124) Operational at Normal Capacity.	4.00
Category 1	2	3.5% Sulfur Feedstock with all Flares and Dryers Operational at Normal Capacity except for VP–3.	3.50
Category 1	3A	2.5% Sulfur Feedstock with VP–3 and VP–1 Operational at Normal Capacity	2.50
Category1	3B	2.5% Sulfur Feedstock with VP–3 and VP–2 Operational at Normal Capacity	2.50
Category 1	3C	2.5% Sulfur Feedstock with VP–3 and VP–4 Operational at Normal Capacity	2.50
Category 1	44	2.3% Sulfur Feedstock with all Units Operational at Reduced Capacity	2.30
Category 1	55	2.00% Sulfur Feedstock with all Units Operational at Normal Capacity	2.00
Category 2	66	MAIN (WGS Operational for all hours)	4.00

TABLE 3—EMISSION LIMITS

Category	Source stack	Scenario	Maximum % sulfur	Capacity	Emission rates for the next-to-last-step (worst case hour-transition)	Emission rates for the last step (all units in steady state)
					lb/hr	lb/hr
1	SDRY3	1C	3.5	Normal	409	192.2
		3A	2.5	Normal	275	129.2
		3B	2.5	Normal	275	129.2
		3C	2.5	Normal	275	129.2
		4	2.3	Reduced	168.9	79.3
		5	2.0	Normal	210.4	98.8
	SDRY124	1A	4.0	Normal	501.3	387.1
		1B	4.0	Normal	674.7	528.8
		1D	4.0	Normal	500.3	316.2
		2	3.5	Normal	1,058.5	910.3
		3A	2.5	Normal	219.7	219.7
		3B	2.5	Normal	301.8	301.8
		3C	2.5	Normal	186.1	186.1
		4	2.3	Reduced	413	413
		5	2.0	Normal	467.8	467.8
	SFLR12	1A	4.0	Normal	767.6	380.4
		1B	4.0	Normal	1,015	486.3
		2	3.5	Normal	1,215.3	883.5
		3A	2.5	Normal	215.8	215.8
		3B	2.5	Normal	277.5	277.5
		4	2.3	Reduced	382.2	382.2
		5	2.0	Normal	448.1	382.2
	SFLR3	1C	3.5	Normal	884.6	722.9
		3A	2.5	Normal	615.2	486
		3B	2.5	Normal	615.2	486
		3C	2.5	Normal	615.2	486
		4	2.3	Reduced	377.8	298.5
		5	2.0	Normal	470.7	371.8
	SFLR4	1D	4.0	Normal	929.8	613.8
		2	3.5	Normal	528.4	528.4

TABLE 3—EMISSION LIMITS—Continued

Category	Source stack	Scenario	Maximum % sulfur	Capacity	Emission rates for the next-to-last-step (worst case hour-transition)	Emission rates for the last step (all units in steady state)
					lb/hr	lb/hr
		3C	2.5	Normal	361.4	361.2
		4	2.3	Reduced	199.3	199.3
		5	2.0	Normal	280	280
2	MAIN (WGS)	6	4.0	Normal	151.1	151.1

Cabot may operate under any of these scenarios during any time of the year with the restriction that Cabot is only allowed to operate the flares and dryer stacks under Category 1 for up to 168 hours for yearly planned outages and up to 744 hours during every fifth year for planned turnaround. Cabot shall utilize the WGS and MAIN stack for all other hours.

Small Sources at Cabot: In addition to the major sources of emissions at the Cabot facility, there are several permitted small sources of SO_2 emissions at the facility that must operate under the emission limits in Table 4 and Table 5. Furthermore, Small Source Category 1 Sources in Table 4 shall not operate simultaneously with VP–1 through VP–4 after step 4 of Table 1. Since these are only used as vents during warm up (those first 4 steps) and fired with natural gas only, when MAIN is not up to temperature yet, and those first steps are not part of the worst-case transition scenarios, these were not modeled in any scenario. Small Source Category 2 Sources in Table 4 may be operated for readiness testing only (approximately 20 minutes each) under non-emergency conditions after step 4 of Table 1. These five small sources were modeled at all times when MAIN was emitting (when WGS was operational), but not during outage/turnaround times when the units are transitioning. Small Source Category 3 Sources of Table 5 will operate at reduced emission rates compared to current permitted values after the installation of the WGS. The purge gas filters will be heated with electric heaters instead of dryer gases, so no emissions were modeled for these sources.

TABLE 4—SMALL SOURCES CATEGORIES 1 AND 2

Small source categories 1 and 2					
Category	Source ID	Modeling scenario	Operating hours	lb/hr	Source description
1	EQT 0008		627	0.02	VP–2 Main Filter.
	EQT 0026		200	0.03	VP–1 Reactor Warm-up Vent.
	EQT 0027		200	0.03	VP–2 Reactor Warm-up Vent.
	EQT 0028		200	0.03	VP–3 Reactor Warm-up Vent.
	EQT 0029		200	0.03	VP–4 Reactor Warm-up Vent.
	EQT 0048		477	0.04	VP–1 Main Filter.
2	EQT 0011	6	100	0.36	Emergency and Test Only (ULSD)—Standby Air Blower Diesel Engine.
	EQT 0022	6	100	0.51	Emergency and Test Only (ULSD)—Standby Fire Pump Diesel Engine.
	EQT 0051	6	100	0.02	Emergency and Test Only (NG)—Dryer Drive Generator.
	EQT 0052	6	100	0.01	Emergency and Test Only (NG)—Feedstock Area Generator.
	EQT 0053	6	100	0.01	Emergency and Test Only (NG)—Lab Area Generator.

TABLE 5—SMALL SOURCE CATEGORY 3

Small Source Category 3					
Source ID	Operating hours	Currently permitted max SO_2 emission rate (lb/hr)	Permitted max SO_2 emission rate for dryer purge gas filters (lb/hr) [19]	Post-WGS max SO_2 emission rate for dryer purge gas filters (lb/hr)	Source description
EQT 0014	8,760	1,335.85	51.23 (VP–1) 55.50 (VP–2)	0 (VP–1) 0 (VP–2)	Units 1, 2, 4 Pellet Dryer and Oil Heaters (combined stack)—includes VP1 And VP2 Purge Gas Filter emissions.
EQT 0034	8,760	51.23	51.23 (VP–4)	0 (VP–4)	Unit 4 Pellet Dryer Purge Gas Filter.
EQT 0038	8,760	412.37	46.96 (VP–3)	0 (VP–3)	Unit 3 Pellet Dryers (Combined Stack)—includes VP3 Purge Gas Filter emissions.

TABLE 5—SMALL SOURCE CATEGORY 3—Continued

Small Source Category 3					
Source ID	Operating hours	Currently permitted max SO_2 emission rate (lb/hr)	Permitted max SO_2 emission rate for dryer purge gas filters (lb/hr) [19]	Post-WGS max SO_2 emission rate for dryer purge gas filters (lb/hr)	Source description
EQT 0050	8,760	0.01	.....	.....	VP4 Supplemental Feedstock Heater.

Monitoring and Recordkeeping: Under this Louisiana attainment SIP, during Category 2 operations, the Cabot facility is required to monitor its release of SO_2 via continuous emissions monitoring system (CEMS) at the MAIN stack to measure compliance at the source and ensure that the facility does not exceed its SIP limits. The CEMS will continuously monitor the SO_2 emissions in accordance with the requirements in 40 CFR 60.13, appendix B, Performance Specification 2 and 6, for SO_2, and appendix F, quality assurance procedures. To demonstrate compliance, emissions data will be collected at least four times per hour and then those four data points will be averaged to produce that hour's measured concentration.

For Category 1 operations, emissions from the dryer stacks and flares will be calculated via a Predictive Emission Monitoring System (PEMS). To make the calculations, the system shall record: the weight percent of sulfur in feedstock oil to all reactors, the total pounds of feedstock oil processed in the reactors, the total pounds of sulfur entering all reactors (feedstock oil sulfur content times amount processed), and the amount of SO_2 emitted from the process (80 percent of the sulfur feed times 2). During startup and transition periods, records must be kept of scenario and time information for each step, identifying the corresponding step in Table 1, the operating scenario in Table 2, and applicable emission limits in Table 3 until steady state for all operating units is attained.

The owner or operator of the facility must maintain records for a minimum of five years and must demonstrate compliance with all applicable recordkeeping requirements. The owner or operator must maintain records of the CEMS data for the exhaust gas sulfur content, temperature, and velocity from the scrubber stack. The owner or operator must maintain records of the PEMS data for the feed rate monitoring and the sulfur content of the carbon black oil feed blend. Additionally, records documenting any hourly period that exceeds the emission limits or standards mandated by the Administrative Order on Consent must be maintained. Finally, copies of each performance test and relative accuracy audit and all associated records must be maintained.

As required in LDEQ's SIP submittal, all exceedances of the applicable emission limits or failure to meet other requirements must be reported to LDEQ no later than April 30 of the subsequent year after violation. The report must include an explanation of the exceedance or failure; if the violation was due to a startup, shutdown, or malfunction (SSM) event; and a description of any action taken to rectify the issue.

The SIP revision requires the Cabot facility to complete construction and commissioning of the WGS and CEMS on the MAIN stack and comply with all requirements of the AOC by July 30, 2026.

If the EPA finalizes this proposed action, the emission limits and source configuration requirements, as well as the monitoring, recordkeeping and reporting requirements of the Administrative Order on Consent will become federally enforceable as a source-specific revision to the Louisiana SIP.

F. Background Concentrations

To satisfy the EPA modeling requirements, the SIP's AD must also incorporate background concentrations into its modeling. The AD estimates the combined impacts of facility-specific emission rates and monitored background concentrations. Regional sources not explicitly modeled in AERMOD, but that contribute to ambient SO_2 concentrations within the nonattainment area, are represented via background monitoring data. Louisiana identified three monitors that were approximately equidistant from the Cabot facility, including: the Lake Charles monitor (AQS ID: 22–019–0008), Port Allen monitor (AQS ID: 22–121–0001), and Baton Rouge monitor (AQS ID: 22–033–0009). Louisiana stated that the Lake Charles monitor and the Port Allen monitor would provide an unrepresentative and overly conservative background concentration measurement for the Evangeline Parish area due to the influence of industrial site emissions near those monitors. Louisiana identified the Baton Rouge monitor as representative of background concentrations due to its similar local emissions characteristics and the stability of SO_2 concentrations measured at this monitor. The EPA has determined that Louisiana's selection of the Baton Rouge monitor is appropriate.

Once a suitable monitor is selected, Appendix W prescribes tiered approaches for incorporating that data as background concentration. LDEQ selected the ''Tier 2'' approach recommended by the August 23, 2010, clarification memo on ''Applicability of Appendix W Modeling Guidance for the 1-hour SO_2 National Ambient Air Quality Standard'' based on monitored design values. In accordance with EPA's guidance on background concentrations, LDEQ's ''Tier 2'' approach identified separate background values for each hour of the day for each of the four seasons, totaling 96 background values. Each of these values represents a three-year average (2020–2022) of the second highest hourly concentration for the applicable hour of the day for the applicable season. The seasonal, hourly-averaged 2020–2022 SO_2 background values for the AD were developed from data collected at the Baton Rouge monitor. The background values ranged from 0.300 ppb to 8.167 ppb. EPA concludes that the methodology used by LDEQ to model background values is appropriate. This is also discussed in TCI's Modeling Report and our TSD.

G. Summary of Results

The attainment plan establishes new emissions limits for the Cabot facility needed to attain the 1-hour SO_2 NAAQS. LDEQ determined that the impact of these reduced maximum allowable emissions limits and installation of a new scrubber stack at the facility yielded a 5-year modeled

[19] These sources are already included in the Modeled Max Emission Rate.

design value (DV)—the 5-year average (2016–2021, not including 2020) of the predicted annual 99th percentile of 1-hour daily maximum SO_2 concentrations—of 194.5 ug/m3 (74.3 ppb) for the worst case Category 1 scenario (Scenario 2) and 52.8 ug/m3 (20.2 ppb) for the worst case Category 2 scenario (Scenario 6). Refer to Section 2.10 of the Modeling Report [20] or our TSD for a tabulation and discussion of the modeled results.

The EPA concludes that LDEQ's modeling is a suitable demonstration. Based on our review of the SIP, EPA has determined that the SIP submission satisfies the applicable CAA requirements and, if approved, would provide for attainment of the SO_2 NAAQS.

III. Review of Other Plan Requirements

A. Emissions Inventory

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. A nonattainment SIP must include a comprehensive, accurate, and current inventory of actual emissions from all sources of SO_2 in the nonattainment area as well as any sources located outside the nonattainment area that may affect attainment in the area. *See* CAA section 172(c)(3). In its submittal, LDEQ included a current emissions inventory for the Evangeline Parish area covering the 2018–2023 period. LDEQ did not specifically provide projected emissions for the 2029 attainment year; however, the EPA has determined the projected emissions based on the proposed SIP limits for the facility, the only major source within the nonattainment area. The EPA identified three possible projected 2029 attainment year scenarios to estimate projected emissions: Cabot undergoes no period of turnaround during the year, Cabot undergoes a planned outage not to exceed 168 hours during the year, and Cabot undergoes a period of turnaround not to exceed 744 hours as allowed every fifth year. This information is provided in Table 6.[21]

The State of Louisiana compiled a statewide EI in accordance with the CAA Amendments of 1990, LAC 33:III.918 and 919 (Recordkeeping and Annual Reporting and Emissions Inventory). LDEQ chose the year 2018 as the base year for its analyses as the most complete and representative record of annual SO_2 emissions because: (1) it was the most recent periodic inventory year available; and (2) it was also the year that the EPA designated the Evangeline Parish area as nonattainment for the 2010 SO_2 NAAQS. The 2018 baseline area source emissions inventories were developed in accordance with the requirements of the Air Emissions Reporting Requirements (AERR) rule.

A summary of the State's submitted emissions inventory is provided in the following table:

TABLE 6—EVANGELINE PARISH NONATTAINMENT AREA EMISSION INVENTORY—SO_2 POINT SOURCE EMISSIONS, AREA, MOBILE, AND TOTAL SO_2 EMISSIONS

Category	2018 Actual emissions (tons/year)	2029 Projected emissions (tons/year)
Point—Cabot (no turnaround)	11,069.91	662
Point—Cabot (annual <168 hours outage period)	11,069.91	848
Point—Cabot (every fifth year <744 hours turnaround period)	11,069.91	1,477

The EPA agrees that the State's emissions inventories for point, nonpoint, and mobile sources are appropriate because they have been accumulated and reported in accordance with established methods and criteria. The EPA proposes that the emissions inventory is representative and satisfies the EI requirement.

B. RACM/RACT

CAA section 172(c)(1) requires states to adopt and submit all RACM, including RACT, as needed to attain the standards as expeditiously as practicable. Section 172(c)(6) requires the SIP to contain enforceable emission limits and control measures necessary to provide for timely attainment of the standard. The plan relies on ambient SO_2 concentration reductions achieved by implementation of the limits established in the AOC with the Cabot facility. The Cabot facility plans to install post combustion controls to reduce SO_2 emissions (lb/hr) from the facility as well as mandate explicit operating parameters in order to ensure attainment in the area.

The control strategy at the Cabot facility incorporates post-combustion flue gas desulfurization via controls for the MAIN stack by requiring the installation of a wet gas scrubber (WGS). Furthermore, the flares and dryer stacks (SDRY3, SDRY124, SFLR12, SFLR 3, and SFLR4) shall only be operated in periods of planned outage of the WGS or periods of turnaround while maintenance is being undertaken on the WGS (MAIN stack), while maintaining compliance with specific parameters set forth in the SIP.

The final emission limitations as included in the Administrative Order on Consent are provided earlier in this document in section II.E., *Emission Limitations* of this document. The Cabot facility is required to complete construction and commissioning of the WGS and comply with all requirements of the AOC by July 30, 2026. Furthermore, the requirement to construct and operate a WGS is consistent with requirements set forth in the 2013 carbon black consent decree entered with Cabot. Louisiana provides in the SIP a discussion of the current status of implementation and anticipated construction schedule to

[20] Table 2–20 of TCI's Modeling Report was not updated for the Category 2 final modeling results; yet TCI's Figures D–41 and D–42 do represent the final modeling for Category 2 with a max DV of ''5.28E+01'' (52.8 µg/m3). EPA performed confirmatory modeling using TCI's modeling files to confirm TCI's final modeling representations for Category 2.

[21] Presented in Table 6 is an estimation of the attainment year projected worst-case emissions that can occur during operating Scenario 2: 3.5% Sulfur Feedstock with all Flares and Dryers Operational at Normal Capacity except for VP–3. During this period each unit will be in steady state except for VP–3 which can be in transitional state for up to three hours. During annual periods of turnaround with less than 168 hours of outage, worst case scenarios we assumed up to 5 separate periods of turnaround. For turnaround periods occuring every fifth year, totaling less than 744 hours of outage, worse case scenarios we assumed up to 10 separate periods of turnaround.

support the compliance date. EPA concurs with the state that a July 30, 2026, compliance date is reasonable and consistent with the requirement to attain the NAAQS as expeditiously as practicable but no later than the December 16, 2029. Louisiana has provided modeling which demonstrates that these measures for Cabot facility provide for timely attainment and meet the RACM and RACT requirements. The EPA proposes that the state has satisfied the requirements in section 172(c)(1) to adopt and submit all RACM, including RACT, as needed to attain the standard as expeditiously as practicable and in section 172(c)(6) to include emission limits as necessary to attain the NAAQS.

C. New Source Review (NSR)

The EPA has approved both Louisiana's NNSR and Emission Reduction Credits (ERC) banking programs. (LAC 33:111.504 was approved on September 30, 2002; [22] LAC 33:III.Chapter 6 was approved on September 27, 2002 (67 FR 60877)). Note that per a rule revision promulgated November 20, 2012 (AQ 327), (See App. D to SIP), revisions to LDEQ's ERC banking program (LAC 33:III.Chapter 6) were made such that creditable SO_2 reductions could be banked and traded as ERC. No further revisions to LAC 33:III.504 or Chapter 6 are required to implement the NNSR program in Evangeline Parish. These approved rules provide for appropriate new source review for SO_2 major sources undergoing construction or major modification in Evangeline Parish without need for modification of the approved rules. Therefore, the EPA concludes that the SIP satisfies this CAA requirement.

D. Reasonable Further Progress (RFP)

Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by [part D] or may reasonably be required by the [EPA] for the purpose of ensuring attainment of the applicable [NAAQS] by the applicable attainment date.'' For purposes of SO_2, the EPA issued guidance prescribing how states could satisfy this requirement when developing their nonattainment SIPs.[23] Since pollutants like SO_2 usually have a limited number of sources affecting areas of air quality that are relatively well defined, and emissions control measures for such sources generally provide significant and immediate improvements in air quality, there is usually a single ''step'' between pre-control nonattainment and post-control attainment. Therefore, due to the discernible relationship between emissions and air quality, EPA interprets RFP in the SO_2 context as ''adherence to an ambitious compliance schedule'' which ''ensures that affected sources implement appropriate control measures as expeditiously as practicable'' to ensure attainment by the applicable attainment date.[24]

Section 172(c)(2) of the CAA requires the Evangeline Parish Attainment Plan SIP provide for reasonable further progress towards attainment. EPA has determined that once control requirements and emissions limits have been implemented, these measures will provide for attainment in the area. Cabot entered into an AOC that requires compliance by July 30, 2026, and if finalized as a SIP revision, will become federally enforceable. Louisiana provides in the SIP a discussion of the current status of implementation and anticipated construction schedule to support the compliance date. Therefore, Louisiana concluded that its SIP submittal provides for RFP in accordance with EPA's SO_2 guidance and the Preamble. The EPA finds that the SIP submittal satisfies the CAA requirements for RFP.

E. Contingency Measures

As discussed in our 2014 SO_2 guidance, section 172(c)(9) of the CAA defines contingency measures as specific measures to be undertaken if the area fails to make RFP or fails to attain the NAAQS by the applicable attainment date. Contingency measures are to become effective without further action by the State or the EPA. These contingency measures consist of other available control measures that are not included in the control strategy for the nonattainment area SIP. EPA guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for SO_2 contingency measures. Because SO_2 control plans are based on what is directly and quantifiably necessary emissions controls, any violations of the NAAQS are likely related to source violations of a source's permit or agreed order terms. Therefore, an appropriate means of satisfying this requirement for SO_2 is for the State to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and undertakes an aggressive follow-up for compliance and enforcement.

Louisiana's plan satisfies the contingency measure requirement with this kind of comprehensive enforcement program and follow-up for compliance. The EPA proposes to approve Louisiana's plan for meeting the contingency measure requirement in this manner.

F. Conformity

Generally, as set forth in section 176(c) of the CAA, conformity requires that actions by Federal agencies do not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS. General conformity applies to Federal actions, other than certain highway and transportation projects, if the action takes place in a nonattainment area or maintenance area (*i.e.,* an area which submitted a maintenance plan that meets the requirements of section 175A of the CAA and has been redesignated to attainment) for ozone, particulate matter, nitrogen dioxide, carbon monoxide, lead, or SO_2. EPA's General Conformity Rule (40 CFR 93.150 to 93.165) establishes the criteria and procedures for determining if a Federal action conforms to the SIP. With respect to the 2010 SO_2 NAAQS, Federal agencies are expected to continue to estimate emissions for conformity analyses in the same manner as they estimated emissions for conformity analyses under the previous NAAQS for SO_2. EPA's General Conformity Rule includes the basic requirement that a Federal agency's general conformity analysis be based on the latest and most accurate emission estimation techniques available (40 CFR 93.159(b)). When updated and improved emissions estimation techniques become available, EPA expects the Federal agency to use these techniques. EPA finds that the Evangeline Parish SO_2 Attainment Plan SIP Revision submission would not interfere with attainment of the NAAQS or worsen existing violations and therefore meets these conformity requirements.

Transportation conformity determinations are not required in SO_2 nonattainment and maintenance areas. EPA concluded in its 1993 transportation conformity rule that highway and transit vehicles are not significant sources of SO_2. Therefore, transportation plans, transportation improvement programs and projects are presumed to conform to applicable

[22] *See* 67 FR 61270.

[23] *See* ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'', U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, April 23, 2014, which can be accessed at: *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf*.

[24] *See* General Preamble, 57 FR 13498, 13547 (April 16, 1992).

implementation plans for SO_2. (*See* 58 FR 3776, January 11, 1993.)

IV. Proposed Action

EPA is proposing to approve Louisiana's April 2, 2025, submission as a SIP revision for attaining the 2010 1-hour SO_2 NAAQS for the Evangeline Parish nonattainment area. As part of this action, EPA is also proposing to approve as a source-specific revision to the SIP and incorporate by reference into the State's SIP, the Administrative Order on Consent between LDEQ and Cabot, which provides the enforceable control strategy for the Evangeline Parish area.

The SO_2 nonattainment plan includes Louisiana's AD for the Evangeline Parish SO_2 nonattainment area. LDEQ explicitly modeled air quality based on the Cabot facility's updated emission limits; through that modeling, LDEQ provided sufficient information that the revised limits at the Cabot facility would allow the area to meet the standard. Therefore, EPA concludes that the modeling in LDEQ' plan adequately demonstrates that the control requirements that apply to relevant sources in the area, including the one-hour SO_2 emission limits for the Cabot facility, provide for attainment in the area. This nonattainment plan also addresses requirements for emission inventories, RACT/RACM, RFP, and contingency measures. Louisiana has previously addressed requirements regarding nonattainment area NSR. EPA has determined that Louisiana's SO_2 nonattainment plan meets the applicable requirements of CAA sections 172, 179(d), 191, and 192. EPA is taking public comments for thirty days following the publication of this proposed action in the **Federal Register**. EPA will take these comments into consideration in our final action.

V. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are we are proposing to incorporate by reference revisions to the Louisiana source-specific requirements as described in section IV. of this document, Proposed Action. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* (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 Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve 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 Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt 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 Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the proposed 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, Intergovernmental relations, Sulfur oxides.

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

Dated: April 30, 2025.

Walter Mason,

Regional Administrator, Region 6.

[FR Doc. 2025–08080 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2024–0622; FRL–12746–01–R8]

Air Plan Approval; Colorado; Serious Attainment Plan Contingency Measures for the 2008 8-Hour Ozone National Ambient Air Quality Standards for the Denver Metro/North Front Range Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve state implementation plan (SIP) submittals under the Clean Air Act (CAA) that address contingency measures requirements for the 2008 ozone National Ambient Air Quality Standards (NAAQS) for the Denver Metro/North Front Range (DMNFR) ozone nonattainment area. The requirements at issue relate to the area's previous Serious nonattainment classification. The EPA is proposing to find that the State has met the applicable CAA requirements for Serious area contingency measures and is proposing approval of the contingency measures SIP submittals, except that we are not taking action on one of the two identified contingency measures included in the submittals. In addition, the EPA is proposing to approve regulatory revisions that Colorado adopted to implement the submitted motor vehicle coating contingency measure. The EPA is taking this action pursuant to the CAA.

DATES: Written comments must be received on or before June 9, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2024–0622 to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be

edited or removed from *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.*

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *https://www.regulations.gov.* Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Matthew Lang, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–AQ–R, 1595 Wynkoop Street, Denver, Colorado, 80202–1129, telephone number: (303) 312–6709, email address: *lang.matthew@epa.gov.*

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

Table of Contents

I. What action is the EPA proposing to take?

The EPA is proposing to approve Colorado SIP revisions for three submittals related to the Serious area contingency measures requirement for the DMNFR area for the 2008 ozone NAAQS. These submittals also address certain organizational revisions affecting the submitted regulations, including the relocation of existing portions of Colorado's Regulation Number 7 (''Reg. 7'') into new standalone regulations and renumbering of existing regulatory provisions. On June 26, 2023, Colorado submitted SIP revisions to address certain Moderate and Severe nonattainment requirements for the 2015 and 2008 ozone NAAQS, respectively, which included revisions to Reg. 7.[1] Of relevance to this proposed rulemaking, the June 26, 2023 SIP submittal identifies motor vehicle coatings emission control requirements as a contingency measure for the Moderate ozone nonattainment area plan for the DMNFR area for the 2015 ozone NAAQS, but as described below, this measure was not triggered by a failure to attain with respect to the 2015 ozone NAAQS Moderate nonattainment plan requirements in the DMNFR area. The State is now repurposing the requirement as a contingency measure for the Serious ozone nonattainment area plan requirements for the 2008 ozone NAAQS.

On May 23, 2024, Colorado submitted SIP revisions to the existing approved Reg. 7 to separate out certain components of Reg. 7 and create Regulation Number 24 (''Reg. 24''), Regulation Number 25 (''Reg. 25''), and Regulation Number 26 (''Reg. 26'') as new standalone regulations.[2] On April 2, 2025, Colorado submitted SIP revisions to address the contingency measures requirement for Serious ozone nonattainment areas for the 2008 ozone NAAQS, which includes associated revisions to Reg. 25.[3] The EPA had finalized a disapproval of a prior Colorado SIP submittal with respect to the 2008 ozone NAAQS Serious area contingency measures requirement in November 2023.[4] In this rulemaking, we are proposing action only on the portions of the June 26, 2023, May 23, 2024, and April 2, 2025 submittals related to contingency measures, including associated revisions to Reg. 7, parts A and C as well as Reg. 25, parts A and B. The relevant portions of these submittals implement motor vehicle coatings emission control requirements, including provisions that function as a contingency measure for the Serious nonattainment classification of the DMNFR area for the 2008 ozone NAAQS.

More specifically, the EPA is also proposing to approve the June 26, 2023 revisions to Reg. 7, Part A that define new and existing sources and the applicability of requirements based on the nonattainment area in which they are located; revisions to Reg. 7, Part C, section I.P. regarding motor vehicle coating requirements that include provisions for those requirements to function as a contingency measure; and revisions to Reg. 7, Part C, section I.A. that update reference dates to the Code of Federal Regulations (CFR). In addition, the EPA is proposing to approve the May 23, 2024 revisions reorganizing Reg. 7, parts A and C into Reg. 25, parts A and B as well as the April 2, 2025 revisions to Reg. 25, parts A and B concerning motor vehicle coating provisions. The remaining revisions from the June 26, 2023, May 23, 2024 and April 2, 2025 submittals not described above, and not identified in table 3 of this preamble, will be addressed by the EPA in future rulemakings.

If the EPA finalizes this rulemaking as proposed, Colorado will have corrected the deficiency identified in the EPA's November 7, 2023 disapproval with respect to the Serious area contingency measures requirement for the 2008 ozone NAAQS. Consistent with

[1] June 2023 SIP Submittal, Document Set 1 of 7, ''Submittal Letter to EPA_Ozone SIP.'' The letter is dated June 22, 2023, but the SIP was submitted to EPA on June 26, 2023.The June 2023 SIP Submittal was deemed complete on September 7, 2023.

[2] May 2024 SIP Submittal, ''Submittal Letter to EPA_Regs 7, 24, 25, 26_signed.'' The letter is dated May 21, 2024, but the SIP was submitted to EPA on May 23, 2024. The May 2024 SIP Submittal was deemed complete by operation of law on November 23, 2024.

[3] April 2025 SIP Submittal, Document Set 1 of 2, ''Signed Submittal Letter to EPA.''

[4] Final Rule, Air Plan Approval and Disapproval; Colorado; Serious Attainment Plan Elements and Related Revisions for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area; 88 FR 76676 (Nov. 7, 2023).

applicable sanctions regulations,[5] in this issue of the **Federal Register** the EPA is concurrently making an interim final determination to defer application of CAA section 179 sanctions associated with the November 7, 2023 action. The deferral is based on this proposal to approve SIP revisions from Colorado to resolve the contingency measures requirement deficiency that was the basis for the November 7, 2023 disapproval. If the EPA does not finalize this approval as proposed and instead disapproves or proposes to disapprove these SIP revisions, then the offset sanction under CAA section 179(b)(2) for permitting of new or modified sources would apply in the DMNFR area on the later of: (1) the date the EPA issues such a proposed or final disapproval; or (2) June 7, 2025 (*i.e.,* 18 months from the effective date of the finding that started the original sanctions clock).[6] Subsequently, highway sanctions under section 179(b)(1) would apply in the DMNFR area six months after the date the offset sanction applies.[7]

The basis for our proposed action is discussed in more detail below. Technical information that the EPA is relying on is contained in the docket, available at *https://www.regulations.gov,* Docket ID No. EPA–R08–OAR–2024–0622.

II. Background

A. 2008 8-Hour Ozone NAAQS Nonattainment Area

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years).[8] The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Specifically, the 2008 8-hour ozone NAAQS is met when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm.[9] Effective July 20, 2012, the EPA designated any area as nonattainment that was violating the 2008 8-hour ozone NAAQS based on the three most recent years (2008–2010) of air monitoring data.[10]

Ozone nonattainment areas are classified based on the severity of their ambient ozone levels, as determined using the area's design value. The design value is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at a monitoring site.[11] In our July 20, 2012 action, the EPA designated the DMNFR area as nonattainment and classified the area as Marginal.[12] The DMNFR area did not attain the 2008 8-hour ozone NAAQS by the applicable Marginal area attainment deadline, and accordingly was reclassified as Moderate.[13] After not attaining the 2008 ozone NAAQS for subsequent attainment dates, the area was reclassified to Serious, and then to Severe nonattainment status.[14]

B. The EPA's November 7, 2023 Final Rule

Although the DMNFR area is currently classified as Severe nonattainment for the 2008 ozone NAAQS, the present action pertains only to the contingency measures requirement for the prior Serious nonattainment classification. Among the requirements for Serious ozone nonattainment area plans, states must submit SIP provisions that constitute contingency measures that would go into effect and result in additional emission reductions in the event that the EPA determines the area fails to attain the applicable standard by the attainment date (in this case, the 2008 ozone NAAQS), make Reasonable Further Progress (RFP) toward attainment, or meet any applicable RFP milestone. As described above, the EPA disapproved a Colorado SIP submittal intended to meet the Serious area contingency measures requirement for the 2008 ozone NAAQS on November 7, 2023. The EPA has previously taken action to approve or conditionally approve SIP submittals to address the State's other Serious ozone nonattainment area requirements for the 2008 ozone NAAQS.[15]

III. Contingency Measures Requirements

Under CAA section 172(c)(9), states are required to submit an attainment plan SIP that includes contingency measures to be implemented if the area fails to meet RFP or to attain the NAAQS by the applicable attainment date. For ozone nonattainment areas classified Serious or above, CAA section 182(c)(9) further specifies that states must include contingency measures to be implemented if the area fails to meet any applicable milestone. An EPA determination that a state failed to meet an RFP milestone or to attain the NAAQS by the applicable attainment date is referred to as a ''triggering event'' because it triggers the requirement to implement the contingency measures specified in the SIP.

The information provided below is explained in greater detail in EPA's ''Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter'' [16] (''2024 Contingency Measures Guidance''). The purpose of contingency measures is to continue progress in reducing emissions while a state revises its SIP to meet a missed RFP requirement or to correct a failure to attain a NAAQS.[17] As part of a contingency measures SIP submittal, states should estimate the amount of anticipated emission reductions that the contingency measures would achieve if triggered. If a state is unable to identify and adopt contingency measures that would provide for approximately one year's worth of emission reductions, then the state may provide an

[5] 40 CFR 52.31(d)(2)(i).

[6] *See id.* In this case, the finding that started the original sanctions clock was the disapproval issued on November 7, 2023, which was effective on December 7, 2023.

[7] *See id.*

[8] Final rule, National Ambient Air Quality Standards for Ozone, 73 FR 16436 (March 27, 2008). The EPA has since further strengthened the ozone NAAQS, but the 2008 8-hour standard remains in effect. See Final Rule, National Ambient Air Quality Standards for Ozone, 80 FR 65292 (Oct. 26, 2015).

[9] 40 CFR 50.15(b).

[10] Final rule, Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards, 77 FR 30088 (May 21, 2012).

[11] 40 CFR part 50, appendix I.

[12] Final rule, Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards, 77 FR 30088 (May 21, 2012) at 30110. The nonattainment area includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson Counties, and portions of Larimer and Weld Counties. See 40 CFR 81.306.

[13] Final rule, Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards, 81 FR 26697 (May 4, 2016).

[14] Final rule, Finding of Failure to Attain and Reclassification of Denver Area for the 2008 Ozone National Ambient Air Quality Standard, 84 FR 70897 (Dec. 26, 2019); Final rule, Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Serious for the 2008 Ozone National Ambient Air Quality Standards, 87 FR 60926 (Oct. 7, 2022); see 40 CFR 81.306.

[15] *See* 88 FR 29827, 88 FR 76676, and 88 FR 85511.

[16] ''Guidance on the Preparation of State Implementation Plan Provisions that Address the Nonattainment Area Contingency Measure Requirements for Ozone and Particulate Matter'' (Dec. 3, 2024), available at *https://www.epa.gov/air-quality-implementation-plans/final-contingency-measures-guidance.*

[17] *See* Proposed Rule, Conditional Approval; Contingency Measure State Implementation Plan for the 2008 Ozone Standard; San Joaquin Valley, California, 89 FR 85119, 85122 (Oct. 25, 2024); Proposed Rule, Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-Hour PM 2.5 Serious Area and 189(d) Plan, 90 FR 1600, 1623 (Jan. 8, 2025); *see also* 2024 Contingency Measures Guidance at 9.

''infeasibility justification'' that demonstrates that a lesser amount of emission reductions is appropriate because additional contingency measures are infeasible in the area.[18] The EPA does not read the statute to require contingency measures that are not feasible, *i.e.*, to require the imposition of control measures regardless of technological or cost constraints.

To satisfy the requirements of CAA sections 172(c)(9) and 182(c)(9), contingency measures should be fully adopted rules or control measures that are ready to be implemented upon a triggering event.[19] They consist of control measures for the area that are not otherwise required to meet other attainment plan requirements (*e.g.,* to meet reasonably available control measure or reasonably available control technology (RACT) requirements). To comply with CAA sections 172(c)(9) and 182(c)(9), contingency measures must be both conditional and prospective. That is, they must be measures that go into effect and achieve emission reductions in the event of a future triggering event, but not before the triggering event. The EPA cannot approve already implemented measures, *i.e.,* measures that have already achieved emission reductions or that are already adopted into law and will achieve reductions regardless of whether there is a future triggering event, as contingency measures, even if already implemented measures would achieve surplus emission reductions beyond those necessary to meet other applicable CAA requirements.[20]

The EPA recommends that contingency measures achieve emissions reductions equivalent to one year's worth of ''progress.'' [21] The EPA recommends that one year's worth of ''progress'' be calculated by determining the average annual reductions between the base year emissions inventory and the projected attainment year emissions inventory, determining what percentage of the base year emissions inventory this amount represents, and then applying that percentage to the projected attainment year emissions inventory to determine the amount of reductions needed to ensure ongoing progress.

As to the time within which emission reductions from contingency measures should occur, the EPA recommends that emission reductions should occur within one year of the triggering event or up to two years of the triggering event if there are insufficient contingency measures available to achieve the recommended amount of emission reductions within one year.[22] The EPA's longstanding recommendation is that contingency measures take effect within 60 days of the triggering event.

As explained previously, if after an adequate evaluation a state is unable to identify contingency measures that would provide emission reductions achieving approximately one year's worth of progress, then the EPA recommends that the state provide an infeasibility justification for a lesser amount, which the state should support with an infeasibility justification. This infeasibility justification should explain and document the state's evaluation of existing and potential control measures relevant to the appropriate source categories and pollutants in the nonattainment area, and the state's conclusions regarding whether such measures are feasible as contingency measures in the area.

The statutory scheme contemplates that a state will have approved contingency measures in place in the SIP and ready to be implemented in the event of a triggering event *before* the triggering event occurs. That is, contingency measures that are conditional and prospective upon a triggering event. In this case, the State did not have such approved contingency measures in place at the time of the relevant triggering event, which was EPA's determination that the State failed to attain the 2008 ozone NAAQS in the DMNFR area by the Serious attainment deadline.[23] But the State is still required to provide such contingency measures to the EPA. As discussed further below, when the State is developing and submitting required contingency measures for a triggering event that has already occurred, the timeframe for achieving reductions should be evaluated based on the adoption date of the measure rather than the now-passed trigger date.

IV. Summary of State's SIP Submittals

On June 26, 2023, Colorado submitted SIP submittals related to Moderate and Severe nonattainment plan requirements for the 2015 and 2008 ozone NAAQS, respectively, which included revisions to Reg. 7 establishing a motor vehicle coating contingency measure for the DMNFR nonattainment area for the 2015 ozone NAAQS. On June 8, 2024, before the EPA proposed action on this submitted contingency measure and before the Moderate area attainment date for the 2015 NAAQS, Colorado requested voluntary reclassification from Moderate to Serious nonattainment for the 2015 ozone NAAQS for this area. On July 24, 2024, the EPA granted the voluntary reclassification request.[24] Prior to the voluntary reclassification, EPA did not take action on the 2023 contingency measures submittal and Colorado was not required to implement the motor vehicle coating control measure as a contingency measure. In the April 2, 2025 submittal, Colorado has included regulatory revisions to repurpose the motor vehicle coatings measure as a Serious area contingency measure with respect to the 2008 ozone NAAQS contingency measures requirement. Because the EPA has not yet approved the original motor vehicle coating measure as a contingency measure, the Agency must act on both the initial regulatory language for the motor vehicle coatings requirements from the June 26, 2023 SIP submittal and subsequent revisions as described in Colorado's April 2025 SIP Submittal.

On May 23, 2024, Colorado submitted revisions to Reg. 7 to separate out certain components of Reg. 7 to create Reg. 24, Reg. 25, and Reg. 26 as new standalone regulations. On April 2, 2025, Colorado submitted the 2024 DMNFR Contingency Measures Plan as a revision to the Colorado SIP.[25] The State developed the 2024 DMNFR Contingency Measures Plan to address the EPA's November 7, 2023 disapproval of the State's submittal intended to meet the 2008 ozone NAAQS Serious area contingency measures requirements.[26] In this rulemaking, we are proposing approval of only the portions of the June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals related to contingency

[18] 2024 Contingency Measures Guidance at 29–40.

[19] *See Sierra Club* v. *EPA,* 21 F.4th 815, 827 (D.C. Cir. 2021) (''The Act's plain text expressly provides that valid contingency measures become operative only when the triggering conditions set forth in the statute occur, and not any earlier.'').

[20] *See Sierra Club,* 21 F.4th at 827–28 (holding that the specific wording of sections 172(c)(9) and 182(c)(9) unambiguously requires that contingency measures be ''conditional and prospective,'' and that already implemented measures are not measures ''to take effect'' only if and when the contingency occurs).

[21] *See* 89 FR at 85123–85124 (explaining one year's worth of progress in connection with proposed approval of San Joaquin Valley contingency measures); 90 FR at 1624–1625 (explaining one year's worth of progress in connection with proposed approval of Fairbanks contingency measures); 2024 Contingency Measures Guidance at 28–29.

[22] 2024 Contingency Measures Guidance at 10.

[23] *See* 87 FR 60926.

[24] *See* 89 FR 59832.

[25] April 2025 SIP Submittal, Document Set 1 of 2, ''Technical Support Documents'' at 490–561 (''2024 DMNFR Contingency Measures Plan'').

[26] *See* 88 FR 76676.

measures requirements for the 2008 ozone NAAQS, and of associated revisions to Reg. 7, Part A; Reg. 7, Part C, sections I.A. and I.P.; Reg. 25, Part A; and Reg. 25, Part B, sections I.A. and I.P. The EPA will address the remaining revisions from the June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals in future rulemakings.

A. Revisions to Regulation 7, Parts A and C and Reorganization Into Regulation 25, Parts A and B

In the June 26, 2023 submittal, among other revisions, Reg. 7, Part C, section I.P. was added and Reg. 7, Part C, section I.A.3.a. was updated to reflect the applicable EPA reference method used to demonstrate compliance, as revised in the CFR on March 23, 2021.[27] Reg. 7, Part C, section I.P. established surface coating requirements for motor vehicle materials, including provisions that would function as a contingency measure that would be triggered within 60 days after the effective date of a finding by the EPA of failure to attain by the 2015 ozone NAAQS Moderate ozone attainment date of August 3, 2024.

Distinct from the aforementioned motor vehicle coating requirements, the June 26, 2023 submittal included revisions to the applicability and general provisions found in Reg. 7, Part A that are relevant to requirements across Reg. 7. These revisions are not specific to the contingency measures requirement that the EPA is addressing in this rulemaking, but the EPA is proposing approval of these revisions because the revised sections are included in the reorganization of Reg. 7 parts A and C into Reg. 25, parts A and B. This includes revisions expanding the general applicability of provisions in Reg. 7 to sources in the portion of northern Weld County within the DMNFR ozone nonattainment area for the 2015 ozone NAAQS that are not included in the DMNFR ozone nonattainment area for the 2008 ozone NAAQS, revisions clarifying the dates defining new and existing sources for respective ozone standards, and revisions updating the regulation to refer to a newer version of applicable EPA reference methods used to demonstrate compliance.

The June 26, 2023 submittal includes revisions to Reg. 7 in addition to those identified above, but the EPA is not proposing action on those revisions in this rulemaking. They will instead be addressed by the EPA in separate rulemakings at a later date. As described previously, the rule provisions of the June 26, 2023 submittal for motor vehicle coating materials, and which were structured as a contingency measure for the DMNFR nonattainment area for the 2015 ozone NAAQS, were no longer required with respect to the Moderate area classification for that NAAQS following the EPA granting Colorado's voluntary reclassification request. Included with its April 2, 2025 submittal, the State adopted revisions described below to repurpose these emission control requirements as a Serious nonattainment area contingency measure for the 2008 ozone NAAQS.

In the State's May 23, 2024 submittal, Reg. 7 was retitled from ''Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds (VOC) & Nitrogen Oxides (NO_X))'' to ''Control of Emissions from Oil and Gas Emissions Operations.'' In addition, the State moved Reg. 7, Part C, sections I.A. and I.P.; copied over portions of Reg. 7, Part A concerning applicability/general provisions; and relocated other rule sections from Reg. 7 to the newly established Reg. 25 for the ''Control of Emissions from Surface Coating, Solvents, Asphalt, Graphic Arts and Printing, and Pharmaceuticals.'' [28] The State intended these revisions to narrow Reg. 7 to be primarily focused on oil and gas emission controls, and to relocate provisions addressing other source categories from Reg. 7, including coatings, solvents, and similar sources, to Reg. 25.

After adopting Reg. 25, on April 2, 2025, the State submitted a third SIP submittal to the EPA, which included revisions to parts A and B of Reg. 25. This includes revisions to Reg. 25, Part A at section II.C.2. concerning general emission limitations for all new sources, and which are clerical in nature and reflect that the listed regulations are not applicable to all emission sources. The revisions to Reg. 25, Part B, section I.P. included: (1) in section I.P.7., correcting the numbering, with references in several subsections changed from I.P.6. to I.P.7.; (2) in sections I.P.1.b., I.P.3., I.P.4.b. and I.P.7., changing ''sixty days'' to ''May 1, 2026''; changing ''moderate'' to ''serious''; changing ''2015'' to ''2008'' in relation to the relevant ozone NAAQS; and (3) adding section I.P.8., which is related to reporting requirements.[29] The revisions to Regulation 25, Part B, section I.P. from Colorado's April 2, 2025 submittal were made, in part, to require that the motor vehicle coatings contingency measure contained therein be repurposed as a contingency measure for the State's 2008 ozone NAAQS Serious area plan for the DMNFR nonattainment area. The motor vehicle coatings contingency measure was originally adopted for the purposes of the State's 2015 ozone NAAQS Moderate nonattainment area plan. The April 2, 2025 SIP submittal included revisions to Reg. 7, Part B, section III.C.4. identifying requirements for pneumatic controllers as a contingency measure, but the EPA is not acting on this portion of the SIP submittal in this rulemaking. Several additional revisions unrelated to the contingency measures requirement are included in Colorado's June 26, 2023, May 23, 2024, and April 2, 2025 SIP submittals, but the EPA is not addressing these revisions in this rulemaking and will act on them in a separate action.

B. 2024 DMNFR Contingency Measures Plan

The 2024 DMNFR Contingency Measures Plan submitted to the EPA identifies two contingency measures that Colorado deemed feasible for the Serious area attainment plan for the 2008 ozone NAAQS.[30] Additionally, Colorado's contingency measures submission includes an infeasibility justification to justify its submission of contingency measures that achieve less than one year's worth of progress. The State's evaluation of the feasibility of specific measures is presented in greater detail in the ''Strategy Summary'' included as a part of the supporting technical information in the State's April 2, 2025 SIP Submittal.[31]

[27] June 2023 SIP Submittal, Document Set 5 of 7, ''Reg Lang & SBAP Adopted_R7'' at 25–31.

[28] May 2024 SIP Submittal, ''Adopted Language_R7'' at 71–77, ''Adopted Language_R25'' at 40–46. As part of the May 23, 2024, submittal, other provisions, apart from Reg. 7, Part C, section I.P., were removed from Reg. 7, but the relocation of those revisions are not being addressed in this action.

[29] April 2025 SIP Submittal, Document Set 1 of 2, ''Reg Language Adopted R25 (redline)'' at 4–11.

[30] 2024 DMNFR Contingency Measures Plan at 20–22.

[31] April 2025 SIP Submittal, Document Set 1 of 2, ''Technical Support Documents'' at 562–584 (''Strategy Summary''). Subsequent citations to the Strategy Summary use the page numbers within that document; so, for example, ''Strategy Summary at 1'' refers to the 562nd page of the Technical Support Documents file.

1. One Year's Worth of Progress

Section 3.1 of the 2024 DMNFR Contingency Measures Plan includes the State's calculations for determining emission reductions representing ''one year's worth'' of progress for the area.[32] The emission reductions representing one year's worth of emission reductions progress as determined by Colorado are 8.9 tons per day of NO_X and 14.2 tons per day of VOC.

2. Contingency Measures Infeasibility Justification

Colorado reviewed each source category in the 2026 emissions inventory for NO_X and VOC that the State developed for other attainment planning requirements, in order to identify feasible control measures that could serve as contingency measures.[33] Table 1 provides the major categories from the 2026 emissions inventory; the inventory is provided in greater detail in appendix C of the 2024 DMNFR Contingency Measures Plan. The State's submittal explains that ''[e]ach category was vetted for any potential strategies that are regulatory, non-regulatory, and tax or grant funded that may be SIP-eligible.'' [34] The State identified potential and current emission reduction measures as part of their analysis. (Current emission reduction measures have already been implemented, and therefore need not be evaluated as a part of an infeasibility justification. But the evaluation should consider whether *additional* requirements are feasible for a given source category.)

After Colorado disqualified already adopted measures and measures that the State lacked authority to adopt, the State evaluated the feasibility of candidate measures (control measures that may be appropriate as contingency measures if they are determined to be technologically and economically feasible) based on the time required to implement the measure, technological/economic feasibility, and whether a measure met legal criteria for adoption. Based on this analysis, the 2024 DMNFR Contingency Measures Plan identifies two control strategies for EPA evaluation as contingency measures, as described in section IV.B.3. of this preamble, and provides an infeasibility justification to show that its 2024 DMNFR Contingency Measures Plan is approvable despite providing less than the recommended amount of emission reductions, due to a lack of feasible measures in the DMNFR nonattainment area.

TABLE 1—DMNFR 2026 EMISSIONS INVENTORY OF NO_X AND VOC

[Tons per day]

Source type	NO_X	VOC
Point	19.6	21.5
Area/Nonpoint	0.3	66.3
On-road Mobile	21.7	27.0
Nonroad Mobile	34.6	47.4
Oil & Gas	68.4	90.4
Total	144.5	252.7

The 2024 DMNFR Contingency Measures Plan describes various measures that the State has already implemented (referred to as ''on-the-books'' measures), several of which are state-only requirements, but which are not candidate contingency measures because ''they are already implemented.'' [35] Colorado's 2024 Contingency Measures Plan further evaluates candidate measures for feasibility with respect to the appropriate time within which a contingency measure should achieve emission reductions.

The State also evaluated whether the potential contingency measures that it identified are subject to technological or economic factors that would render a candidate measure infeasible as a contingency measure.[36] Finally, Colorado evaluated the feasibility of potential measures as contingency measures by considering whether they would be ''permanent, enforceable, quantifiable, and surplus,'' including whether a measure ''is otherwise ineligible because of federal preemption.'' [37]

Feasibility Analysis

Colorado evaluated potential contingency measures for feasibility and summarized the measures the State deemed infeasible.[38] The State evaluated measures across the five major source categories within the State's emission inventory in the DMNFR nonattainment area for the 2008 ozone NAAQS: point, area, on-road mobile, nonroad mobile, and oil and gas sources.

With respect to point sources, Colorado considered non-oil and gas point sources (the State evaluated oil and gas point sources separately) through evaluation of existing stationary source regulations.[39] Colorado identified the existing stationary source regulations in Regs. 3, 6, 7, 8, 23, 24, 25, and 26, including both state-only and SIP-approved control requirements. The 2024 DMNFR Contingency Measures Plan identifies these existing requirements as not being candidates to satisfy the contingency measures requirement for several reasons, principally because they are already adopted, implemented, and achieving emission reductions (whether approved into the SIP or on a state-only basis). These control measures may also be required to meet other nonattainment SIP requirements or present difficulties in meeting SIP creditability requirements.

Among other specific contingency measures considered for the stationary point source sector, Colorado evaluated the feasibility of implementing a minor source emission offset program, but determined that it would be infeasible to implement and achieve emission reductions within two years, given the volume of stationary sources that would be affected.[40] The State also considered the feasibility of establishing boiler emission limitations such as those established by rules in neighboring Utah, but found that it has already effectively implemented requirements

[32] 2024 DMNFR Contingency Measures Plan at 18–19.

[33] *Id.* at 43–49.

[34] *Id.* at 27.

[35] *Id.* at 31.

[36] *Id.* at 34–35.

[37] *Id.* at 36–39.

[38] *See* Strategy Summary.

[39] 2024 DMNFR Contingency Measures Plan at 43–45.

[40] Strategy Summary at 6.

comparable to the Utah boiler rules.[41] Colorado also examined the scope of existing rules in the SIP to meet RACT requirements, and determined that it has already adopted requirements for ''minor source RACT'' [42] as part of its construction permit program.[43] A more detailed accounting of the specific measures for the point source category that the State considered is included in appendix D to the 2024 DMNFR Contingency Measures Plan as well as in the Strategy Summary technical support document.

Colorado also evaluated potential contingency measures for oil and gas sources. This evaluation included the potential for prohibiting venting of gas associated with blowdowns during the ozone season as well as implementing best management practices in response to ozone advisories that request that operators take voluntary measures to reduce emissions on days with forecasted high ozone. The State deemed these two measures infeasible as contingency measures based on the economic feasibility on a cost per ton basis of prohibiting venting to the atmosphere associated with blowdowns,[44] and challenges concerning enforceability with respect to quantifying emission reductions from voluntary best management practices.[45]

In the 2024 DMNFR Contingency Measures Plan, the State further described the existing requirements for oil and gas sources that could not be candidate contingency measures because they are already adopted, which include requirements for leak detection and repair, hydrocarbon liquid loadout from storage tanks, flowback vessels, and natural-gas reciprocating internal combustion engines (RICE).

Colorado included an evaluation of area source measures, including for cannabis cultivation operations, asphalt formulation restrictions, non-fumigant pesticide requirements, and emission reductions from livestock waste, as well as an evaluation of existing rules in other states. In the 2024 DMNFR Contingency Measures Plan and Strategy Summary, the State justifies its finding of infeasibility as to emission control requirements for cannabis cultivation operations and hot mix asphalt plants on the basis that the State could not feasibly achieve further emission reductions within two years.[46] Colorado explains that cultivation operations involve a large number of small operators with limited experience with the regulatory process. There is an incomplete data record concerning asphalt plants, of which there are no major sources in the nonattainment area. These factors contribute to the inability of the State to develop rules for these categories to be adopted and achieve emission reductions within two years. Colorado's submittal characterizes potential emission control requirements for livestock waste emissions and non-fumigant pesticide requirements as being infeasible due to legal constraints, including the lack of statutory authority for the State to impose such measures on agricultural sources.[47] Regarding asphalt formulation restrictions, Colorado justifies infeasibility based on technological considerations due to the impact of regional altitude on paving operations.[48]

The State also evaluated mobile source control measures, including for both on-road and nonroad mobile sources, as potential contingency measures.[49] The State's 2024 DMNFR Contingency Measures Plan describes the difficulty in identifying potential contingency measures for nonroad sources, in particular given Colorado's lack of authority to impose regulatory requirements on certain sources due to federal preemption, which limits the pool of candidate measures from the mobile source category. In addition to measures that are non-regulatory in nature and for which it would be difficult to quantify anticipated emission reductions, and measures implemented in other areas that the State deemed infeasible due to timing constraints, the State evaluated the feasibility of indirect source rule requirements, including those that would apply to sources that drive significant mobile source activity, as well as potential emission control requirements for lawn and garden equipment. Colorado determined the indirect source rules it considered to be infeasible as contingency measures due to the State's inability to accelerate ongoing research and data collection with respect to developing such rules, which would not be completed in time for the measure to be implemented and achieve emission reductions within two years.[50] The State also explains in the 2024 DMNFR Contingency Measures Plan that prohibitions on gasoline-powered lawn and garden equipment sales have already been adopted, with emission reductions to be achieved in 2025, and therefore this measure is already implemented and disqualified as a candidate contingency measure.[51]

3. Adopted Contingency Measures

Colorado identified two control measures as contingency measures for purposes of the 2008 ozone NAAQS in the DMNFR Serious nonattainment area, and submitted these to the EPA for evaluation and inclusion into the SIP: (1) an existing state-only requirement for retrofitting pneumatic controllers at upstream oil and gas facilities which the EPA is not proposing action on in this rulemaking, and (2) a rule for control of VOC emissions from motor vehicle coating facilities including VOC content limitations, control efficiency requirements, and periodic reporting. A summary of the two measures identified by Colorado is below. Colorado also determined the expected emission reductions from these measures, which are presented in table 2.

[40] Strategy Summary at 6.

[41] *Id.* at 21.

[42] CAA ozone RACT requirements only apply to major sources of NO_X or VOC, as well as sources covered by a Control Techniques Guideline, *see* CAA secs. 182(b)(2), 182(f). Minor source RACT is therefore generally not required under the CAA, but Colorado's SIP-approved minor source RACT program establishes control requirements for permitting non-exempt minor sources. This ''minor source RACT'' should not be confused with RACT determinations made by a state to meet CAA requirements, which the EPA must evaluate and take a regulatory action on.

[43] 2024 DMNFR Contingency Measures Plan at 30.

[44] *See* Regional Air Quality Council's Blowdowns Control Strategy Overview available at *https://raqc.org/episodic-emissions-venting-and-blowdowns/* and in the docket for this proposed rulemaking.

[45] Strategy Summary at 4, 6, and 13.

[46] Strategy Summary at 1 and 14.

[47] *Id.* at 14.

[48] *Id.*

[49] 2024 DMNFR Contingency Measures Plan at 46–48.

[50] Strategy Summary at 3.

TABLE 2—EMISSIONS REDUCTIONS FROM IDENTIFIED MEASURES

[Tons per day] [a]

Contingency measure	NO_X	VOC
Pneumatic Controller Retrofit		
Motor Vehicle Coatings	0.00	4.37
	0.00	0.54
Total	0.00	4.91

[a] 2024 DMNFR Contingency Measures Plan, section 4., table 3.

As stated previously, the EPA is not acting on the pneumatic controller retrofit contingency measure in this action and therefore is not evaluating the measure further as part of this rulemaking. Our proposed approval of Colorado's 2024 DMNFR Contingency Measures Plan is based solely on the motor vehicle coatings measure described below and the infeasibility justification.

Motor Vehicle Coatings

Colorado's June 26, 2023 SIP submittal included requirements to reduce VOC emissions from motor vehicle coating facilities, which the State initially intended for use as a contingency measure for the Moderate nonattainment area plan for the DMNFR area for the 2015 ozone NAAQS.[52] The measure was not triggered with respect to the 2015 ozone NAAQS.[53] With Colorado's April 2, 2025 SIP submittal, the State adopted revisions to require that the motor vehicle coating control measure be repurposed as a contingency measure for the DMNFR Serious nonattainment area for the 2008 ozone NAAQS.[54] Under Reg. 25, Part B, section I.P.3., this contingency measure would require the State to implement VOC content limitations for motor vehicle coatings, which would apply to manufacturing for sale as well as to the sale, supply, offer for sale, or distribution for sale of such coatings. Under this measure, motor vehicle coating facilities must use products that meet VOC content limitations or apply emission controls with a control efficiency of 90% or greater. The revisions to Reg. 25, Part B, section I.P. also include recordkeeping and reporting requirements to ensure that upon triggering, affected sources maintain records that document the VOC content of products used, and periodically report those records to the Colorado Air Pollution Control Division: annually for facilities with VOC emissions greater than 2.7 tons per 12-month rolling period, or semiannually with the operating permit report for facilities with emissions greater than 25 tons per year.[55]

Colorado's June 26, 2023 submittal explains that the motor vehicle coatings contingency measure is based on the California Air Resource Board (CARB) Suggested Control Measure for Automotive Coatings, which ''achieves additional reductions of VOCs from automotive coatings beyond EPA's national automobile refinish rule.'' [56] As shown in table 2, when fully implemented, the measure would achieve VOC emission reductions of 0.54 tpd. The EPA is proposing approval of the motor vehicle coatings contingency measure.

V. Procedural Requirements

The CAA requires that states meet certain procedural requirements before submitting a SIP revision to the EPA, including the requirement that states adopt SIP revisions after reasonable notice and public hearing.[57] Colorado adopted the June 26, 2023 submittal following a September 17, 2022 notice of rulemaking in the Denver Post and a December 13–16, 2022 rulemaking hearing.[58] Colorado adopted the May 23, 2024 submittal following a January 21, 2023 notice of rulemaking in the Denver Post and an April 20, 2023 rulemaking hearing.[59] Colorado adopted the April 2, 2025 submittal following an August 17, 2024 notice of rulemaking in the Denver Post and a December 18–20, 2024 rulemaking hearing.[60]

VI. The EPA's Evaluation of Colorado's SIP Submittals

A. Revisions to Regulation 7, Parts A and C and Reorganization Into Regulation 25, Parts A and B

As discussed in section IV.A. of this document, Colorado's June 26, 2023 submittal added motor vehicle coating requirements in Reg. 7, Part C as a new section I.P., which included provisions that the State structured to serve as a contingency measure for the Moderate nonattainment area plan with respect to the 2015 ozone NAAQS. The June 26, 2023 submittal also revised Reg. 7, Part A concerning applicability and general provisions that apply across Reg. 7, including the relevant motor vehicle coating requirements. The EPA is proposing to approve these revisions from the June 26, 2023 submittal. The EPA is not proposing action on revisions to other sections of Reg. 7, Part C from the June 26, 2023 submittal besides those described above and will take action on them in a future rulemaking.

Furthermore, the EPA is proposing to approve the revisions from the May 23, 2024 submittal that duplicate portions of Reg. 7 Part A in Reg. 25 Part A, and relocate Reg. 7 Part C requirements into Reg. 25 Part B. Reg. 7, Part A concerns ''Applicability and General Provisions'' that apply across Reg. 7, but only the pieces of Reg. 7, Part A relevant to the control of emissions from surface coating, solvents, asphalt, graphic arts and printing, and pharmaceuticals are included in the newly established Reg. 25, Part A. Reg. 7, Part A is not being removed from Reg. 7 given its applicability to the sections of Reg. 7 that are not being relocated to standalone regulations. Because the EPA is not yet taking action on all of the June 26, 2023 revisions to Reg. 7, Part C, we are not taking action to relocate these provisions to Reg. 25, Part B in this action and will propose action on the

[51] *Id.*

[52] June 2023 SIP Submittal, Document Set 5 of 7, ''Reg Lang & SBAP Adopted_R7'' at 25–31.

[53] Although the vehicle coatings measure was included as a contingency measure in the Moderate area SIP for the 2015 NAAQS, before the area's Moderate attainment date the area was reclassified to Serious for the 2015 NAAQS in response to a request from the State for voluntary reclassification. Final Rule, Clean Air Act Reclassification; Colorado; Reclassification of the Denver Metro/North Front Range 2015 Ozone Nonattainment Area to Serious, 89 FR 59832 (July 24, 2024). As a result, the 2015 Moderate contingency measure for failure to attain was never triggered.

[54] April 2025 SIP Submittal, Document Set 1 of 2, ''Reg Language Adopted R25 (redline)'' at 4–11.

[55] *Id.* at 10.

[56] June 2023 SIP Submittal, Document Set 5 of 7, ''Reg Lang & SBAP Adopted_R7'' at 123.

[57] CAA section 110(a)(2), 42 U.S.C. 7410(a)(2).

[58] June 2023 SIP Submittal, Document Set 1 of 7, ''Denver Post Legal Ad''.

[60] April 2025 SIP Submittal, Document Set 1 of 2, ''Denver Post Legal Ad''.

relocation of these requirements in a future rulemaking.

The EPA also is proposing to approve revisions from the April 2, 2025 submittal including the clerical revision to Reg. 25, Part A, section II.C.2.; the corrected numbering of Reg. 25, Part B, section I.P.7.; and the addition of reporting provisions related to the VOC content of products used at motor vehicle coating facilities in Reg. 25, Part C, section I.P.8. Lastly, because the motor vehicle coatings contingency measure was never triggered for the Moderate DMNFR nonattainment area for the 2015 ozone NAAQS (see discussion above at sections I. and IV.), the EPA proposes to approve the revisions to Reg. 25, Part B, section I.P. in the April 2, 2025 submittal that serve to repurpose the motor vehicles coating measure as a contingency measure for the 2008 ozone NAAQS.

In summary, the EPA is proposing to approve the revisions to Reg. 7, Part A concerning applicability and general provisions; the addition of Reg. 7, Part C, section I.P. motor vehicle coating requirements; a revision to Reg. 7, Part C, section I.A.3.a. updating a reference date; the copying over, with minor revisions, of Reg. 7 Part A to Reg. 25, Part A; the relocation of Reg. 7, Part C, sections I.A and I.P to Reg. 25, Part B, sections I.A. and I.P.; the revision to Reg. 25, Part A, section II.C.2.; and the revisions to Reg. 25, Part B, section I.P. Given that the revisions that the EPA is evaluating span multiple SIP submittals from Colorado, we have included table 3 detailing the revisions from each submittal that we are proposing to approve in this document. The remainder of the revisions included with each submittal that we are not proposing action on in this proposed rulemaking will be addressed by the EPA in separate rulemakings at a later date.

TABLE 3—SUMMARY OF EPA'S PROPOSED APPROVAL OF REVISIONS TO REGULATIONS 7 AND 25

Submittal	Revisions included in the EPA's proposed approval
June 26, 2023	Reg. 7, Part A, sections I.A.1.a, I.B.2.a.(i)–(iii), I.B.2.c, I.B.2.d, I.B.2.d.(iii)–(iv), I.B.2.e, II.A.13–18, II.C.1; Reg. 7, Part C, section I.A.3.a., I.P.
May 23, 2024	Reg. 7, Part C, section I.P; Reg. 25, Part A; Reg. 25, Part B, sections I.A., I.P.; appendix D–E
April 2, 2025 ..	Reg. 25, Part A, section II.C.2.; Reg. 25, Part B, sections I.P.1.b., I.P.3., I.P.4.b., I.P.7.a., I.P.7.a.(vi), I.P.7.b., I.P.8.

Note: At this time, the EPA is not proposing action on any of the revisions included in the June 26, 2023, May 23, 2024, and April 2, 2025 submittals besides those identified in table 3. Additionally, those sections marked as ''state-only'' are not included for incorporation into the SIP. Therefore, the EPA is not proposing action on these sections, and any such sections which were relocated from Reg. 7 to separate a separate regulation will continue to be ''state-only.''

B. 2024 DMNFR Contingency Measures Plan

1. One Year's Worth of Progress

The EPA has reviewed the calculations in the 2024 DMNFR Contingency Measures Plan, as summarized in section IV.B.1. of this document, and is proposing to find that the State calculated one year's worth of progress for NO_X and VOC for the 2008 ozone NAAQS in a manner consistent with the EPA's recommendations.

2. Contingency Measures Infeasibility Justification

The EPA has reviewed the State's infeasibility justification submitted to support its determination that there are no feasible control measures that could be adopted as contingency measures in addition to the motor vehicle coatings measure. The EPA has reviewed the processes used by Colorado to assess a range of potential measures across the stationary, area, mobile, and oil and gas source categories. For the reasons explained below, and considering the relevant emission sources and other facts specific to this nonattainment area, the EPA is proposing to find that the motor vehicle coatings contingency measure together with the State's infeasibility justification satisfies the Serious ozone nonattainment area contingency measures requirement under CAA sections 172(c)(9) and 182(c)(9) for the DMNFR area with respect to the 2008 ozone NAAQS.

Colorado evaluated other potential contingency measures and justified its determination of infeasibility, where applicable, using EPA-recommended procedures.[61] As described in section IV.B. of this proposed rule, Colorado evaluated several potential control measures across the source categories from the State's emission inventory for VOC and NO_X source categories in the DMNFR area, including point, area, nonroad/on-road mobile, and oil and gas sources. After setting aside measures that it has already adopted and implemented as state-only provisions or to fulfill other SIP requirements, and measures for which there are constraints for adoption concerning federal preemption and are therefore not candidates for contingency measures, the State made feasibility determinations based on whether the remaining candidate measures could be implemented and achieve emission reductions within two years, and whether the measures were technologically and economically feasible.[62]

While air agencies do not need to evaluate measures that they do not have the legal authority to implement, the EPA recommends that an infeasibility justification include a description of any such measures that were recommended by the public or are being implemented elsewhere, and an explanation of why the air agency lacks the legal authority to implement them.[63] The EPA is proposing to find that Colorado reasonably excluded certain mobile source control measures from consideration as candidate contingency measures due to difficulty in ensuring such measures are not federally preempted. This includes emission standards for new motorcycles, emission standards for new off-road compression ignition engines, zero-emission off-road equipment requirements, zero-emission cargo handling equipment requirements, retirement of older diesel locomotives, evaporative emission standards, and a prohibition on adding Tier 2 engines to fleets.[64] These control measures may be directly preempted; if not, the additional complexity involved in ensuring that a potential regulation is not preempted would prevent timely implementation of the measure to satisfy the Serious nonattainment area contingency measures requirement for the DMNFR area for the 2008 ozone NAAQS.

The EPA is proposing to determine that the emission reductions that could be achieved for this nonattainment area from livestock waste emission reduction measures like diet manipulation and manure management practices would be

[61] 2024 DMNFR Contingency Measures Plan at 23–26.

[62] *Id* at 29–30.

[63] *See* 2024 Contingency Measures Guidance at 39.

[64] Strategy Summary at 16, 18, and 20.

difficult to quantify over the two-year timeframe in which reductions from contingency measures should be achieved, and therefore would not be appropriate candidates as contingency measures. Regarding pesticide application, associated emissions represent a negligible amount of the emission inventory for the DMNFR area. Therefore, the EPA is proposing to find that the pesticide application category produces negligible emissions, and that control measures for the category need not be considered further for purposes of the contingency measures requirement.

The EPA agrees with Colorado's assessment that emission reductions in the SIP must be permanent, enforceable and quantifiable. In particular, contingency measures must be surplus over and above what is required for other nonattainment plan requirements. Accordingly, the EPA is proposing to find that Colorado reasonably excluded certain potential measures from consideration as candidate contingency measures due to challenges concerning SIP creditability. This includes measures where there is limited ability to quantify associated emission reductions over the two-year timeframe in which reductions from contingency measures should be achieved, like zero-fare transit, anti-idling programs, an incentive program for electric vehicles/charging stations, planting of lower-VOC tree species, an incentive program providing financial assistance following failed vehicle emission tests, a heavy-duty truck engine chip retrofit program, and an incentive program to replace older light-duty vehicles.[65] While the EPA agrees that these measures or types of programs may result in emission reductions, we see no basis to conclude that such measures could be developed for this nonattainment area in a way that would support their use as contingency measures. In particular, it would be difficult to design these incentive-based measures in a way that would allow them to achieve quantifiable reductions within the timeframe in which reductions from contingency measures should be achieved. To the extent these measures require funding for their implementation, the necessity to authorize such funding could further delay the implementation of such measures, making them further inappropriate for consideration as contingency measures for this area.[66]

If a triggering event occurs before an air agency adopts measures to satisfy the contingency measures plan requirement, the timeframe for achieving reductions (one year; if necessary, two years) should be evaluated based on the adoption date of the measure rather than the now-passed trigger date.[67] Thus, in this situation, we do not consider the past triggering event date of November 7, 2022 (the date of EPA's finding that the DMNFR area failed to attain the 2008 ozone NAAQS) the relevant starting point for the two-year period for: (1) identifying the time window during which contingency measures should achieve emission reductions in order to be creditable toward one year's worth of progress, and (2) identifying the time window for a measure to be deemed infeasible if it cannot be implemented within such period.[68]

Technological feasibility includes consideration of factors such as operating procedures, raw materials requirements, physical plant layout, and adverse environmental impacts such as water pollution, waste disposal, and energy requirements that would negate the environmental benefit of the emissions control. Colorado determined that implementing standards for materials to reduce VOC emissions from the use of cutback/emulsified asphalt would not be technologically feasible given the impact of altitude on paving operations. The EPA is proposing to find that Colorado provided an appropriate justification for the exclusion of the measure based on technological infeasibility. As described previously and evaluated below, technological infeasibility also encompasses the inability to implement a measure and achieve emission reductions from the measure in a suitable timeframe for contingency measures. In this evaluation, we have separated the consideration of timing of emission reductions from the broader technological infeasibility categorization to better characterize Colorado's analysis.

The EPA considers measures to be technologically infeasible if they could not be implemented and achieve emission reductions in two years. Colorado's 2024 DMNFR Contingency Measures Plan includes information on the lack of available underlying data for source categories, and other considerations for certain source types that the State determined would preclude a full consideration of how candidate measures for such categories could be developed and implemented, and whether such measures would be technologically and economically feasible. For example, Colorado determined that for the following potential control measures the pool of affected sources consists of a relatively large number of facilities, including small operations with minimal experience with regulatory requirements. These potential control measures would include measures for cannabis cultivation operations, diesel inspection/maintenance (I/M) programs for NO_X, an indirect source rule for nonroad equipment, a minor source offset program, and heavy equipment usage restrictions. The EPA is proposing to concur with Colorado's determination that such characteristics preclude a full consideration of how the potential measures could be developed and implemented for this area, and whether such measures would be technologically and economically feasible, within the two-year timeframe that control measures would need to achieve emission reductions. While adequate information may not presently be available to move forward with the potential measures, these measures may become feasible as additional information becomes available to Colorado.

As explained previously, in this circumstance where the triggering event for the required contingency measures is in the past, we consider the two-year timeframe applied from adoption of a candidate measure appropriate. It is still important for a state to have measures that will serve the purpose of achieving the additional emission reductions that the contingency measures were intended to achieve, had a state adopted contingency measures as part of the attainment plan SIP submittal or at least in advance of the triggering event.

Accordingly, we are proposing to find that Colorado adequately assessed the feasibility of potential control measures as contingency measures. Colorado followed a process to address the contingency measures requirement that included (1) identifying candidate contingency measures, (2) assessing the feasibility of each candidate measure, and (3) providing a infeasibility justification for each candidate measure explaining why the State rejected it as infeasible as a contingency measure for

[65] Strategy Summary at 8–10 and 14–15.

[66] A potential measure may also be infeasible if it requires program funding to be available upon triggering the contingency measure, but the funding or irrevocable funding commitment cannot be secured prior to the time the state submits, and the EPA approves, the contingency measure. Securing program funding or irrevocable funding commitments in advance for a contingency measure that may never be triggered may be a challenge for states.

[67] *See* 2024 Contingency Measures Guidance at 46 n. 92.

[68] Colorado has included an evaluation of feasibility with respect to timing using both 2 years beginning with the original 2022 triggering date, as well as the EPA's recommended evaluation of 2 years from adoption.

the Serious DMNFR nonattainment area under the 2008 ozone NAAQS.[69] Concerning the control measures identified in Colorado's Strategy Summary, we are proposing to find that Colorado appropriately excluded certain control measures (*i.e.,* determined that the measures are not candidate contingency measures) according to the criteria identified in table 4 and adequately demonstrated infeasibility for the remaining candidate measures according to the criteria identified in table 5.

TABLE 4—2024 DMNFR CONTINGENCY MEASURES PLAN IDENTIFICATION OF NON-CANDIDATE MEASURES

Rationale for exclusion	Identified control measures	The EPA's evaluation
Already Implemented Measures	Lower VOC Content Consumer Products/AIM Coatings; Enhanced Vehicle I/M Program; Diesel I/M Program; Clean Fuel Fleet Equivalent; Advanced Clean Cars II Standards; Low Reid Vapor Pressure (RVP)/Reformulated Gasoline Standards; Prohibitions for Lawn/Garden Equipment; Stage I Vapor Recovery at Gas Stations; Widen CTG VOC RACT Applicability; Regional Haze SIP Provisions; Expand Use of Alternative Fuels in Government and Private Fleets; Road Use Restrictions; Clean Air Fleets Diesel Retrofits; Electric Vehicle Group Purchase Program; Alternative Fuel Vehicle Tax Credit; Electric Car Share Program; Commercial Lawn and Garden Program; Building and Appliance Efficiency Standards; Emission Controls for Municipal Solid Waste Landfills; Diesel Idling Rule; Emission Standards for Space and Water Heaters.	These are already implemented measures; whether approved into the SIP, promulgated on a state-only basis, or are otherwise in effect and achieving emission reductions, they are ineligible for purposes of contingency measures.[a] Therefore, the EPA is proposing to find Colorado's exclusion of the identified measures as candidate measures to address emissions from the relevant source categories is appropriate.
Federal Preemption /SIP Creditability.	Low-Emissions Diesel Fuel; Reduce Public Transit Fares; Increase Public Transit Service; Employer-based Transportation Management Plans/Incentives; Expanded Commuter Trip Reduction Program; Increased/Permanent Funding for Zero Fare Initiative and Bicycle/Walking Infrastructure; Limit Sections of Metro Area to Nonmotorized Use; Limit/Restrict Vehicle Use in Downtown Areas; High Occupancy/Shared Ride Program; Secure Bicycle Storage; Anti-idling Programs; Charge Ahead Electric Vehicle Charging Station Program; Mow Down Pollution Lawn Mower Exchange; Mandate Use-based Vehicle Insurance; Increase State Tax on Fuel; Local Government Diesel Equipment Specifications; Commercial Diesel Best Practices; Mobile Source Credits in Nonattainment New Source Review; Voluntary/Mandatory Emission Reduction Action Days; Work Crew Carpooling; Oil and Gas Best Management Practices: Defer Haul Trips, Altered Vehicle Fleet Maintenance, Additional Leak Detection and Repair, Defer Liquid Hauling to/from Field, Postpone Well Unloading Activities, Reschedule Pipeline Maintenance, Vapor Return on Truck Loading, Setting Pump Units Ahead of Ozone Season, Grouping Maintenance Activities, Delay Compression Unit Start Up, Improve Chemical Storage; Eco-driving Best Practices; Boating Restrictions; Diesel Vehicle Best Management Practices; Out of Area Inspection and Driver Education; Low-VOC Tree Species; Diesel Engine Chip Reflash; Regional Diesel Fuel; Car Scrap Programs (Vehicle Exchange Colorado, Clean Cars 4 all, Clean Vehicle Rebate); CARB Clean Off-Road Fleet Recognition Program; San Joaquin Valley (SJV) Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project; Low RVP Gasoline/Low Emission Diesel in Nonroad Vehicles and Equipment; Evaporative Emission Standards for Recreational Boats; Urban Heat Island/Tree Canopy.	Colorado's infeasibility justification includes federally preempted measures and measures for which there is difficulty in the associated emission reductions meeting the permanent, enforceable, and quantifiable requirements for SIP creditability as a contingency measure in the DMNFR area. The EPA is proposing to find Colorado's demonstration reasonably excludes these measures as candidate measures to address emissions from the relevant source categories.

[a] **Note** that accelerating the implementation of a control requirement (*e.g.,* control measures that would have been implemented at some point in the future to meet other attainment plan requirements but that could be implemented earlier upon a triggering event so that upon triggering, reductions would occur in the two-year window) may still be approvable as a contingency measure.

TABLE 5—2024 DMNFR CONTINGENCY MEASURES PLAN INFEASIBILITY JUSTIFICATION SUMMARY

Rationale for infeasibility	Identified control measures	The EPA's evaluation
Technological/Economic	Episodic/Seasonal Restrictions on Operation of Industrial, Commercial, Oil and Gas Operations; Prohibition of Certain Oil and Gas Operations during Ozone Season; Asphalt Formulation Paving Restrictions; Colorado Department of Public Health and Environment (CDPHE) Extended Air Quality Forecasting.	The EPA is proposing to find Colorado appropriately determined that the listed measures are infeasible as contingency measures on the basis of technological and/or economic infeasibility.

[69] 2024 DMNFR Contingency Measures Plan at 23–26.

TABLE 5—2024 DMNFR CONTINGENCY MEASURES PLAN INFEASIBILITY JUSTIFICATION SUMMARY—Continued

Rationale for infeasibility	Identified control measures	The EPA's evaluation
Inability to Implement and Achieve Emission Reductions within Two Years.	Cannabis Cultivation Operations; Diesel I/M NO_X Testing Program; Indirect Source Rule Nonroad Equipment; Flaring Minimization Requirements; Oil and Gas RICE Rule; Minor Source Emission Offset Program Including for Well Production Facilities; Reassessment of Oil and Gas NO_X/VOC Emissions Fees; Trip Reduction Ordinances; Heavy-Equipment Use Restrictions; Control of Emissions from Hot Mix Asphalt Plants; Sale and Installation of Aftermarket Catalytic Converter Model Rule Expansion; CARB On-Road Motorcycles Emission Standards; CARB Clean Miles Standard; CARB Transport Refrigeration Unit Regulation Part 2; CARB In-Use Off-Road Diesel Fueled Fleets Regulation; CARB Large Spark-Ignition Engine Fleet Requirements; CARB Tier 5 Off-Road New Compression-Ignition Engine Standards; CARB Off-Road Zero-Emissions Targeted Manufacturer Rule; CARB Cargo Handling Equipment Requirements; Accelerated Intro to Cleaner Line-Haul Locomotives; Additional Evaporative Vehicle Emission Standards; Tier 3 or Newer Nonroad Equipment Including Agricultural Equipment/Rec Vehicle Emission Standards/Clean Construction Policies; Utah Commercial Cooking Rule; Model Rule for Reducing VOC Emissions from Adhesives and Sealants; CARB 1,3-Dichloropropene Health Risk Mitigation, SJV In-Use Locomotive Regulation; Utah Appliance Pilot Light Rule.	For several measures, Colorado describes the present lack of data available to make determinations on technological or economic feasibility, which would, in several instances, require engaging with businesses consisting of small operators with relative unfamiliarity with the regulatory process. Where adequate technical data is unavailable, and which would preclude a full consideration of how candidate measures for such categories could be developed and implemented, and whether such measures would be technologically and economically feasible, such measures may be infeasible as contingency measures. Therefore, the EPA proposes to find Colorado's infeasibility justification approvable in this regard.

Furthermore, although not directly addressed in Colorado's infeasibility justification, the EPA evaluated the stringency of the State's existing SIP-approved emission limitations for combustion equipment in Regulation 26, Part B, section II.A.4. (previously Regulation 7, Part E, section II.A.4.). This includes emission limitations for boilers, stationary combustion turbines, RICE, and process heaters. The EPA has previously determined that these emission limitations constitute RACT as required by the CAA for major stationary sources of NO_X. While an emission limitation constituting RACT does not in itself preclude a state from strengthening the existing limitation as a contingency measure, as a practical matter, for these specific source categories a more stringent limitation with respect to NO_X concentrations or on a per heat/power basis would likely require replacement of burners or add-on, pre/post-combustion emission controls. The equipment retrofits on individual pieces of combustion units that would be needed to achieve additional emission reductions would require the Colorado Air Pollution Control Division within CDPHE, and the significant number of potentially impacted individual operators to plan, prepare for installation, and install the air pollution control equipment, which would take time likely causing the measure to exceed the two-year timeframe for contingency measures to achieve emission reductions. Furthermore, we note that Colorado's SIP already includes combustion process adjustments for combustion equipment, where owners/operators must conduct inspections of fuel burning equipment and combustion controls and perform maintenance as applicable. Therefore, the EPA is proposing to find that establishing more stringent emission limitations for combustion equipment than those required by Regulation 26, Part B, section II.A.4. for boilers, stationary combustion turbines, RICE, and process heaters, would be infeasible as a contingency measure because it would not achieve emissions reductions within two years.

3. Adopted Contingency Measures

The emission reductions from the motor vehicle coatings measure will be considered as the contingency measures reductions that should have been triggered by EPA's prior finding that the DMNFR Serious nonattainment area failed to attain the 2008 ozone NAAQS by its applicable attainment date. The EPA is proposing to find that this measure is consistent with applicable CAA requirements for contingency measures, and accordingly to approve the motor vehicle coatings measure as a contingency measure with respect to the contingency measures requirement for the 2008 ozone NAAQS Serious nonattainment plan for the DMNFR area.

4. Conclusion

Based on the VOC emission reductions achieved by the motor vehicle coatings contingency measure, and Colorado's infeasibility justification for having contingency measures that achieve less than one year's worth of progress, the EPA proposes to find that the 2024 DMNFR Contingency Measures Plan fulfills the contingency measures requirements for the Serious nonattainment plan for the DMNFR area for the 2008 ozone NAAQS. Final approval of the 2024 DMNFR Contingency Measures plan would cure the EPA's prior disapproval of the State's March 22, 2021 SIP submittal intended to meet the contingency measures requirement for the 2008 ozone NAAQS for the DMNFR Serious nonattainment area.

VII. Proposed Action

The EPA is proposing to approve SIP revisions submitted by the State of Colorado to address the contingency measures requirement for the Serious area nonattainment plan for the DMNFR area for purposes of the 2008 Ozone NAAQS. The EPA is proposing this action based on our determination that the 2024 DMNFR Contingency Measures Plan meets the requirements of CAA

section 172(c)(9) and 182(c)(9). The EPA is also proposing to approve revisions to Colorado Regulations 7 and 25 related to the contingency measures requirement and as summarized in section IV.A. of this proposed rulemaking.

In this same issue of the **Federal Register**, we are also issuing an interim final determination, effective upon publication, to defer the imposition of sanctions. Specifically, the determination will defer application of the offset sanction for permitting of new or modified sources and highway sanctions for which clocks were triggered by the EPA's November 7, 2023 disapproval of SIP revisions submitted to address the contingency measures requirement for the 2008 ozone NAAQS for the DMNFR Serious classification nonattainment area.[70] The determination to defer sanctions is based upon our proposed approval action detailed in this document, with respect to the SIP submittals addressing the contingency measures SIP requirement. Please see the interim final determination for further information concerning sanctions and the basis for issuing the interim final determination.

The EPA is soliciting public comments on the proposed action, our rationale for the proposed action, and any other pertinent matters related to the issues discussed in this document. We encourage comments regarding whether there are new or more stringent control measures not identified in Colorado's analysis and which may be feasible as contingency measures. We will accept comments from the public on this proposal for the next 30 days and will consider comments before taking final action.

VIII. Consideration of Section 110(*l*) of the CAA

Under section 110(*l*) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(*l*) requires that each revision to an implementation plan submitted by a state be adopted by the state after reasonable notice and public hearing. The Colorado SIP provisions that the EPA is proposing to approve in this action do not interfere with any applicable requirements of the Act. Thus, the EPA is proposing to find that the approval of portions of the State's June 26, 2024, May 23, 2023, and April 2, 2025 SIP submittals as described in this notice of proposed rulemaking is consistent with section 110(*l*). Therefore, the EPA proposes to determine the CAA section 110(*l*) requirements are satisfied.

IX. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Colorado Air Quality Control Commission Regulation 25 pertaining to the ''Control of Emissions from Surface Coating, Solvents, Asphalt, Graphic Arts and Printing, and Pharmaceuticals'' and Regulation 7 pertaining to the ''Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds (VOC) & Nitrogen Oxides (NO_X))'' (as specified in sections IV.A. and VI.A. above). The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

X. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it 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 the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. The proposed 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, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: April 21, 2025.

Cyrus M. Western,

Regional Administrator, Region 8.

[FR Doc. 2025–07937 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

[70] See 40 CFR 52.31(d)(2)(ii).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0528; FRL–12551–01–R5]

Air Plan Approval; Ohio; Nitrogen Oxide Budget Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Ohio State Implementation Plan (SIP) submitted by the Ohio Environmental Protection Agency (Ohio EPA) on November 4, 2024. The SIP revisions consist of revised Ohio Administrative Code (OAC) rules implementing the Nitrogen

Oxide (NO_X) Budget Program. The revised rules include non-substantive updates to rule language and updates to referenced material.

DATES: Comments must be received on or before June 9, 2025.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2024–0528, at *https://www.regulations.gov* or via email to *langman.michael@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), 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. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://wwww.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Neena Nallaballi, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–1770, *nallaballi.neena@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives such comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: April 24, 2025.

Anne Vogel,

Regional Administrator, Region 5.

[FR Doc. 2025–07860 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2025–0175; FRL–12732–01–R7]

Air Plan Approval; Missouri; Control of Emissions During Petroleum Liquid Storage, Loading, and Transfer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Missouri State Implementation Plan (SIP) related to the control of emissions during petroleum liquid storage, loading and transfer in the Kansas City metropolitan area. The revisions to this rule include adding incorporations by reference to other state rules, adding definitions specific to the rule, revising unnecessarily restrictive or duplicative language, and making administrative wording changes. These revisions do not impact the stringency of the SIP or 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 June 9, 2025.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2025–0175 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: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7718; email address: *brown.steven@epa.gov*.

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

Table of Contents

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2025–0175, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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 a SIP revision submitted by the State of Missouri on February 15, 2019, and a supplemental submission on August 1, 2019. The revisions are to Title 10, Division 10 of the Code of State Regulations (CSR), 10 CSR 10–2.260 ''Control of Emissions During Petroleum

Liquid Storage, Loading and Transfer''. The purpose of the state regulation is to restrict volatile organic compound (VOC) emissions from the handling of petroleum liquids to reduce hydrocarbon emissions in the Kansas City metropolitan area, specifically in Jackson, Clay, and Platte counties, that contribute to the formation of ozone. Missouri made multiple revisions to the rule. These proposed revisions clarify rule language on testing and reporting, improves consistency with the St. Louis rule 10 CSR 10–5.220 that regulates the same facilities, update incorporations by reference to other state rules, add definitions specific to the rule, revise unnecessarily restrictive or duplicative language, and make administrative wording changes. EPA proposes to find that these revisions meet the requirements of the CAA, do not impact the stringency of the SIP, and do not adversely impact air quality. The full text of the rule revisions as well as EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

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 June 15, 2018, to September 6, 2018, and held a public hearing on August 30, 2018. Missouri received twenty-one (21) comments from five (5) sources during the comment period on 10 CSR 10–2.260. The EPA provided twelve comments. Missouri included additional clarification to EPA by submitting supplemental information on August 1, 2019 to clarify and answer questions EPA made during the comment period. Missouri responded to all comments and revised the rule based on public comments prior to submitting to EPA, as noted in the State submission included in the docket for this action. As explained above and in more detail in the technical support document, which is part of this docket, 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 amend the Missouri SIP by approving the State's request to revise 10 CSR 10–2.260 ''Control of Emissions During Petroleum Liquid Storage, Loading and Transfer.'' We are processing this as a proposed action because 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 include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to finalize the incorporation by reference of the Missouri rule 10 CSR 10–2.260 discussed in section II. of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The purpose of this state regulation is to restrict VOC emissions from the handling of petroleum liquids to reduce hydrocarbon emissions in the Kansas City metropolitan area that contribute to the formation of ozone. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 25, 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

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–2.260'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
.				
* * * * * * *				
Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area				
.				
* * * * * * *				
10–2.260	Control of Emissions During Petroleum Liquid Storage, Loading and Transfer.	2/28/2019	[Date of publication of the final rule in the **Federal Register**], 90 FR [**Federal Register** page where the document begins of the final rule].	
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[FR Doc. 2025–08074 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 90, No. 88
Thursday, May 8, 2025

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–25–0004]

Grain Inspection Advisory Committee Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, this notice announces an upcoming meeting of the Grain Inspection Advisory Committee (Committee). The Committee meets no less than once annually to advise the Secretary of Agriculture on the programs and services delivered by the Agricultural Marketing Service (AMS) under the U.S. Grain Standards Act. Recommendations by the Committee help AMS meet the needs of its customers, who operate in a dynamic and changing marketplace.

DATES: The meeting will be held on June 11, 2025, from 12:00 p.m. to 4:00 p.m. Eastern.

Written Comments: Any member of the public may file written comments with the Committee before or within 15 days after the date on which the meeting concludes. Comments should be submitted via email to *Kendra.C.Kline@usda.gov*. The Committee will consider comments submitted on or before 11:59 p.m. ET on June 9, 2025, prior to the meeting. Comments submitted after this date will be provided to the Committee, but the Committee may not have adequate time to consider those comments prior to the meeting. Comments submitted after the conclusion of the meeting will be posted on the public website.

Oral Comments: The Committee is providing the public an opportunity to present oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, June 9, 2025, and may only register for one speaking slot. Instructions for registering and participating in the meeting can be obtained by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline.

ADDRESSES: *Meeting Location:* Virtual. Meeting information can be found at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac*.

FOR FURTHER INFORMATION CONTACT: Kendra Kline by phone at (202) 690–2410 or by email at *Kendra.C.Kline@usda.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide advice to AMS with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Committee is available on the AMS website at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac*.

The agenda for the upcoming meeting will include status briefings on recommendations, general program updates, and a guest speaker on export trends.

The meeting will be open to the public. Public participation will be limited to written statements and interested parties who have registered to present comments orally to the Committee.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the State or local Agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

Dated: May 5, 2025.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2025–08020 Filed 5–7–25; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; The American Community Survey (ACS) and Puerto Rico Community Survey (PRCS)

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on November 5, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: The American Community Survey and the Puerto Rico Community Survey.

OMB Control Number: 0607–0810.

Form Number(s): ACS–1, ACS–1(SP), ACS–1(PR), ACS–1(PR)SP, ACS–1(GQ), ACS–1(PR)(GQ), ACS Housing Unit internet electronic instrument (no form number), ACS nonresponse follow up CAPI (Computer Assisted Personal Interview) electronic instrument (no form number), ACS Failed Edit Follow up CATI (Computer Assisted Telephone

Interview) electronic instrument (no form number), ACS Telephone Questionnaire Assistance CATI electronic instrument (no form number), ACS Group Quarters internet listing instrument (no form number), ACS Group Quarters Facility Questionnaire CAPI GQFQ electronic instrument (no form number), ACS Group Quarters internet electronic instrument (no form number), ACS Group Quarters Resident CAPI electronic instrument (no form number). ACS Reinterview CATI/CAPI HU RI electronic instrument (no form number), ACS Reinterview CATI/CAPI GQ RI electronic instrument (no form number).

Type of Request: Regular submission. Request for an extension.

Number of Respondents: 3,576,000 for household respondents; 20,100 for facility contacts in group quarters; 153,600 people in group quarters; 22,875 households for reinterview; and 1,422 group quarters facility contacts for reinterview. The total estimated number of respondents is 3,773,997.

Average Hours per Response: 40 minutes for the average household questionnaire; 15 minutes for a group quarters facility contact questionnaire; 25 minutes for a group quarters person questionnaire; 10 minutes for a household reinterview; 10 minutes for a group quarters facility contact reinterview.

Burden Hours: 2,384,000 for household respondents; 5,025 for contacts in group quarters; 64,000 for group quarters residents; 3,813 households for reinterview; and 237 group quarters contacts for reinterview. The estimate is an annual average of 2,457,075 burden hours.

Needs and Uses: The U.S. Census Bureau requests authorization from the OMB for revisions to the ACS. The ACS is one of the Department of Commerce's most valuable data products, used extensively by businesses, nongovernmental organizations (NGOs), local governments, and many federal agencies. In conducting this survey, the Census Bureau's top priority is respecting the time and privacy of the people providing information while preserving its value to the public.

ACS Background

The Census Bureau developed the ACS to collect and update demographic, social, economic, and housing data every year that are essentially the same as the ''long-form'' data that the Census Bureau formerly collected once a decade as part of the census. The ACS is an ongoing monthly survey that collects detailed data from about 3.54 million addresses in the United States and about 36,000 addresses in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 153,000 residents living in group quarters facilities in the United States and about 600 in Puerto Rico. The ACS is the only source of comparable data about social, economic, housing, and demographic characteristics for small areas and small subpopulations across the nation and in Puerto Rico. Every community in the nation continues to receive a detailed, statistical portrait of its social, economic, housing, and demographic characteristics each year through one-year and five-year ACS products.

ACS Contact Strategies for Housing Units

To collect ACS data, the Census Bureau uses a well-researched mail contact strategy to encourage self-response to the survey. For addresses that were mailed survey materials but did not respond by mail, internet, or by calling our telephone questionnaire assistance line, the Census Bureau selects a subsample of all households and assigns them to the nonresponse follow-up data collection operation. Unmailable household addresses are sampled and also included in the nonresponse follow-up data collection operation.

To encourage self-response in the ACS, the Census Bureau sends up to five mailings to housing units selected to be in the sample. The first mailing, sent to all mailable addresses in the sample, includes an invitation to participate in the ACS online and states that a paper questionnaire will be sent in a few weeks to those unable to respond online. The second mailing is a letter that reminds respondents to complete the survey online, thanks them if they have already done so, and informs them that a paper questionnaire will be sent at a later date if the Census Bureau does not receive their response. In a third mailing, the paper questionnaire package is sent only to those sample addresses that have not completed the online questionnaire within two and a half weeks. The fourth mailing is a postcard that reminds respondents to respond and informs them that an interviewer may contact them if they do not complete the survey. A fifth mailing is a letter sent to respondents who have not completed the survey within five weeks. This letter provides a due date and reminds the respondents to complete their survey to be removed from future contact. The Census Bureau will ask those who fill out the survey online to provide an email address, which will be used to send an email reminder to respondents who started but did not complete the online form. The reminder asks them to log back in to finish responding to the survey. If the Census Bureau does not receive a response or if the household refuses to participate, the address may be selected for nonresponse follow-up data collection where the interview can be collected by telephone or personal visit using computer-assisted interviewing.

Some addresses are deemed unmailable because the address is incomplete or directs mail only to a post office box. The Census Bureau currently collects data for these housing units in the nonresponse follow-up data collection using online, computer-assisted personal interviewing, and computer-assisted telephone interviewing. A small sample of respondents from the nonresponse follow-up data collection interview are recontacted for quality assurance purposes.

PRCS Contact Strategies for Housing Units

For sample housing units in the Puerto Rico Community Survey, a different mail strategy is employed. The Census Bureau sends up to five mailings to a Puerto Rico address selected to be in the sample. The first mailing includes a prenotice letter. The second and fourth mailings include the paper questionnaire. The third and fifth mailings serve as a reminder to respond to the survey. The mail strategy has no references to an internet response option. If the Census Bureau does not receive a response or if the household refuses to participate, the address may be selected for nonresponse follow-up data collection where the interview can be collected by telephone or personal visit using computer-assisted interviewing technology.

The Puerto Rico addresses deemed unmailable because the address is incomplete or directs mail only to a post office box are collected by telephone or person visit using computer-assisted interviewing technology during nonresponse follow-up data collection. A small sample of respondents from the nonresponse follow-up data collection interview are recontacted for quality assurance purposes.

ACS and PRCS Contact Strategy for Group Quarters

The Census Bureau collects data for group quarters through personal interview, online, or by paper. The Census Bureau can obtain the facility information by allowing the group quarters contact to upload the roster of residents online or by conducting a

personal visit interview with a group quarters contact. Once the interviewer obtains the roster of residents, they randomly select residents for person-level interviews. During the person-level phase, a computer-assisted personal interviewing instrument is used to collect detailed information for each sampled resident. Interviewers also have the option to distribute a bilingual (English/Spanish) questionnaire to residents for self-response if they are unable to complete a computer-assisted personal interviewing interview. Residents in some group quarters types have the option to self-respond to the survey online. A small sample of respondents are recontacted for quality assurance purposes.

Statistics produced from the ACS program may include a combination of data collected on the survey from respondents as well as administrative data from other sources.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. 141, 193, 221, and 223.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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 and entering either the title of the collection or the OMB Control Number 0607–0810.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–08019 Filed 5–7–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Annual Survey of School System Finances

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Annual Survey of School System Finances, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before July 7, 2025.

ADDRESSES: Interested persons are invited to submit written comments by email to *Thomas.J.Smith@census.gov*. Please reference Annual Survey of School System Finances in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2025–0004, to the Federal e-Rulemaking Portal: *http://www.regulations.gov*. All comments received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Kaitlin Hanak, Survey Statistician, Educational Finance Branch, 301–763–0229, *erd.f33.list@census.gov*.

SUPPLEMENTARY INFORMATION: The U. S. Census Bureau plans to extend the current Office of Management and Budget clearance for the Annual Survey of School System Finances. The Annual Survey of School System Finances is a comprehensive source of prekindergarten through 12th grade public elementary-secondary school system finance data collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection covers the revenues, expenditures, debt, and assets of all public elementary-secondary school systems. This data collection is cosponsored by and coordinated with the National Center for Education Statistics (NCES) under interagency agreement in conjunction with the National Public Education Financial Survey (NPEFS) (OMB #1850–0067) and the School-Level Finance Survey (SLFS) (OMB #1850–0930).

The NCES uses this collection to satisfy its need for school district-level finance data. Data from this survey is included in the Annual Surveys of State and Local Government Finances (OMB No. 0607–0585) to produce state and national totals of government spending. The Bureau of Economic Analysis (BEA) uses data from the survey to develop figures for the Gross Domestic Product (GDP) and to assess other public fiscal spending trends and events.

Data will be collected from State Education Agencies (SEAs) for all 50 states and the District of Columbia. SEAs appoint state fiscal coordinators to work with NCES and the U.S. Census Bureau to provide accurate and comparable data across states and jurisdictions. SEAs typically collect finance data from school districts for their own uses. Many states produce a state-specific chart of accounts or accounting manual to assist school districts in classifying and reporting finance data and producing government-wide financial statements. Uniform definitions and concepts of revenue, expenditure, debt, and assets are defined by the NCES handbook *Financial Accounting for Local and State School Systems*.

Data on resources and spending patterns is helpful for parents to make choices for the education of their child. Uniform and comparable data helps states measure the effectiveness of resource allocation. The products of this data collection make it possible for data users to search a single database to obtain information on such things as per pupil expenditures and the percent of state, local, and federal funding for each school system. Elementary-secondary education related spending is the single largest financial activity of state and local governments. Education finance statistics provided by the Census Bureau allow for analyses of how public elementary-secondary school systems receive their funding and how they are spending their funds.

II. Method of Collection

A letter is mailed electronically at the beginning of each survey period to solicit the assistance of the state

education agencies in the 50 states and the District of Columbia. This letter officially announces the opening of the data collection period and requests some administrative data, such as their estimated date of submission, any change to the reporting format from prior year, and updated contact information for the state coordinator for the survey.

The survey form (F–33) contains item descriptions and definitions of the elementary-secondary education finance items collected jointly by the Census Bureau and NCES. It is used primarily as a worksheet and instruction guide by the state education agencies providing school finance data centrally for the school systems in their respective states. The Census Bureau collects almost all of the finance data for local school systems from state education agency databases through central collection arrangements with the state education agencies. The states transfer this information in electronic format over the internet via file transfer protocol. The Census Bureau has also facilitated central collection of school system finance data by accepting data in multiple formats.

Supplemental forms are sent to local school systems in states where the state education agency cannot centrally provide information on assets (F–33–L1), indebtedness (F–33–L2), or both (F–33–L3). School systems have the option of completing a paper form to mail back to the Census Bureau or completing the survey using an online web application.

III. Data

OMB Control Number: 0607–0700.

Form Number(s): F–33, Supplemental forms: F–33–L1, F–33–L2 and F–33–L3.

Type of Review: Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: State and local governments.

Estimated Number of Respondents: F–33: 51, Supplemental: 3,426.

Estimated Time per Response: F–33: 70 hours, 45 minutes, Supplemental: 15 minutes.

Estimated Total Annual Burden Hours: 4,465.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Census: Title 13 U.S.C. 8(b), 161, and 182. NCES: Title 20 U.S.C. 9543–44.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–08018 Filed 5–7–25; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–194]

Active Anode Material From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

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

DATES: Applicable May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 2025, the U.S. Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation of imports of active anode material (active anodes) from China.[1] Currently, the preliminary determination is due no later than May 27, 2025.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner[2] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On April 28, 2025, the petitioner submitted a timely request that Commerce postpone the preliminary determination in the LTFV investigation.[3] The petitioner stated that it request postponement because although the mandatory respondents have provided a response to Commerce's initial Section A questionnaire, the responses contain material deficiencies and omissions that currently prevent an accurate calculation of an antidumping duty margin.[4] Further, responses to the other sections of the questionnaire have not yet been submitted and additional time will allow Commerce to issue supplemental questionnaires and ensure

[1] *See Active Anode Material from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 90 FR 3792 (January 15, 2025) (*Initiation Notice*).

[2] The petitioner is the American Active Anode Material Producers.

[3] *See* Petitioner's Letter, ''Request for Postponement of the Preliminary Determination,'' dated April 28, 2025; *see also,* Petitioner's Letter, ''Clarification of Request for Postponement of the Preliminary Determination,'' dated April 29, 2025.

[4] *Id.*

that the preliminary determination accurately reflects the dumping of each mandatory respondent.[5]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination by 50 days (*i.e.,* 190 days after the date on which this investigation was initiated). As a result, Commerce will issue its preliminary determination no later than July 16, 2025. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: May 2, 2025.

Christopher Abbott,

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

[FR Doc. 2025–08088 Filed 5–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–170, C–570–171]

Disposable Aluminum Containers, Pans, Trays, and Lids From the People's Republic of China: Antidumping and Countervailing Duty Orders

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty (AD) and countervailing duty (CVD) orders on disposable aluminum containers, pans, trays, and lids (disposable aluminum containers) from the People's Republic of China (China).

DATES: Applicable May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Brian Warnes (CVD) or Matthew Palmer (AD), AD/CVD Operations, Offices VII and III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0028 or (202) 482–1678, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d), 735(d), and 777(i) of the Tariff Act of 1930, as amended (the Act), on March 11, 2025, Commerce published its affirmative final determination of sales at less-than-fair-value (LFTV) of disposable aluminum containers from China and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of disposable aluminum containers from China.[1] As part of these determinations, Commerce made affirmative critical circumstances findings for the China-wide entity in the LTFV investigation and for Henan Aluminum Corporation, Zhejiang Acumen Technology Living Co., Ltd., and all other producers and/or exporters in the CVD investigation.[2]

On April 28, 2025, the ITC notified Commerce of its final affirmative determination that an industry in the United States is materially injured within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.[3] Further, the ITC determined that critical circumstances do not exist with respect to imports of disposable aluminum containers from China.[4]

Scope of the Orders

The merchandise covered by these orders is disposable aluminum containers from China. For a complete description of the scope of these orders, *see* the appendix to this notice.

Antidumping Duty Order

On April 28, 2025, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of disposable aluminum containers that are sold in the United States for less than fair value. Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing this AD order. Because the ITC determined that imports of disposable aluminum containers from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of disposable aluminum containers from China. Antidumping duties will be assessed on unliquidated entries of disposable aluminum containers from China entered, or withdrawn from warehouse, for consumption on or after December 30, 2024, the date of publication of the *LTFV Preliminary Determination,*[5] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described in the ''Provisional Measures—AD'' section of this notice.

Critical Circumstances—AD

With respect to the ITC's negative critical circumstances determination on imports of disposable aluminum containers from China, we will instruct CBP to lift the suspension of liquidation and to refund all cash deposits for estimated antidumping duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 2024 (*i.e.,* 90 days prior to the date of the *LTFV Preliminary Determination*), but before December 30, 2024 (*i.e.,* the date of publication of the *LTFV Preliminary Determination*).

Suspension of Liquidation and Cash Deposits—AD

In accordance with section 736 of the Act, Commerce intends to instruct CBP to reinstitute the suspension of liquidation of disposable aluminum containers from China effective the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. These instructions

[1] *See Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances,* 90 FR 11705 (March 11, 2025); *see also Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances,* 90 FR 11703 (March 11, 2025).

[2] *Id.*

[3] *See* ITC's Letter, ''Notice of ITC Final Determinations,'' dated April 28, 2025 (ITC Notification Letter).

[4] *Id.*

[5] *See Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Affirmative Determination of Critical Circumstances,* 89 FR 106433 (December 30, 2024) (*LTFV Preliminary Determination*).

[5] *Id.*

suspending liquidation will remain in effect until further notice. Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the table below. The rate for the China-wide entity applies to all producers and exporters not specifically listed below, as appropriate.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Producer	Exporter	Weighted-average dumping margin (percent)
Foshan Bossfoil Aluminum Products Co., Ltd	Aikou Packaging Co., Ltd	193.90
Guangzhou Huafeng Aluminum Foil Technologies Co. Ltd	Guangzhou Huafeng Aluminum Foil Technologies Co. Ltd	193.90
Guangzhou Vanzhen Aluminum Foil Products Co., Ltd	Guangzhou Vanzhen Aluminum Foil Products Co., Ltd	193.90
Henan Mingwei Aluminum Products Co., Ltd	Henan Mingwei Aluminum Products Co., Ltd	193.90
Jinhua Majestic Aluminum Packing Co., Ltd	Jinhua Majestic Aluminum Packing Co., Ltd	193.90
Ningbo Laxwell Aluminum Foil Technology Co., Ltd	Ningbo Laxwell Aluminum Foil Technology Co., Ltd	193.90
Ningbo Mylife Aluminium Foil Products Co., Ltd	Ningbo Mylife Aluminium Foil Products Co., Ltd	193.90
Ningbo Reco Packing Technology Co., Ltd	Ningbo Reco Packing Technology Co., Ltd	193.90
Ningbo Times Aluminium Foil Technology Corp., Ltd	Ningbo Times Aluminium Foil Technology Corp., Ltd	193.90
Ningbo Uber Aluminum Foil Products Co., Ltd	Ningbo Uber Aluminum Foil Products Co., Ltd	193.90
Ningbo Wonderfoil Aluminium Foil Technology Co., Ltd	Ningbo Wonderfoil Aluminium Foil Technology Co., Ltd	193.90
Ningbo Wonderfoil Aluminium Foil Technology Co., Ltd	Qingdao Honsun Packaging Technology Co., Ltd	193.90
Qingdao Wohler Aluminium Environmental Technology Co, Ltd	Qingdao Wohler Aluminium Environmental Technology Co, Ltd.	193.90
DongTai Subcompany of Shanghai Dragon Aluminium Foil Products Co., Ltd.	DongTai Subcompany of Shanghai Dragon Aluminium Foil Products Co., Ltd.	193.90
Suzhou Spk Aluminium Foil Co., Ltd	Suzhou Spk Aluminium Foil Co., Ltd	193.90
Nantong Hongtu Health Technology Co., Ltd	Uniriver Industries Co., Ltd	193.90
Wohler (Qingdao) Co., Ltd	Wohler (Qingdao) Co., Ltd	193.90
Yuyao Rhea Aluminum Foil Products Co., Ltd	Yuyao Rhea Aluminum Foil Products Co., Ltd	193.90
Yuyao Smallcap Household Products Co., Ltd	Yuyao Smallcap Household Products Co., Ltd	193.90
Zhangjiagang Auto Well Co., Ltd	Zhangjiagang Kangyuan International Trading Co., Ltd	193.90
Jiangsu Greensource Health Aluminum Foil Technology Co., Ltd.	Zhangjiagang Kangyuan International Trading Co., Ltd	193.90
Zhejiang Zhongjin Aluminum Industry Co., Ltd	Zhejiang Zhongjin Aluminum Industry Co., Ltd	193.90
Henan Vino Aluminium Foil Co., Ltd	Zhengzhou Eming Aluminium Industry Co., Ltd	193.90
China-wide Entity		* 287.80

* Rate based on facts available with adverse inferences.

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. Commerce published the *LTFV Preliminary Determination* on December 30, 2024. The provisional measures period, beginning on the date of publication of the *LTFV Preliminary Determination,* ended on April 28, 2025. Therefore, in accordance with section 733(d) of the Act and our practice,[6] Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of disposable aluminum containers from China entered, or withdrawn from warehouse, for consumption after April 28, 2025, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Countervailing Duty Order

As stated above, based on the above-referenced affirmative final determination by the ITC that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of disposable aluminum containers from China,[7] in accordance with section 705(c)(2) of the Act, Commerce is issuing this CVD order. Because the ITC determined that imports of disposable aluminum containers from China are materially injuring a U.S. industry, unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a)(1) of the Act, Commerce will direct CBP to assess, upon further instruction by Commerce, countervailing duties on all relevant entries of disposable aluminum containers from China, which are entered, or withdrawn from warehouse, for consumption on or after October 28, 2024, the date of publication of the *CVD Preliminary Determination,*[8] but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury

[6] *See, e.g., Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390, 48392 (July 25, 2016).

[7] *See* ITC Notification Letter.

[8] *See Disposable Aluminum Containers, Pans, Trays, and Lids from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Determination of Critical Circumstances, and Alignment of Final Determination With Final Antidumping Duty Determination,* 89 FR 85495 (October 28, 2024) (*CVD Preliminary Determination*).

determination under section 705(b) of the Act, as further described in the ''Provisional Measures—CVD'' section of this notice.

Critical Circumstances—CVD

With regard to the ITC's negative critical circumstances determination on imports of disposable aluminum containers from China, we intend to instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated countervailing duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 30, 2024, (*i.e.,* 90 days prior to the date of the publication of the *CVD Preliminary Determination*), but before October 28, 2024 (*i.e.,* the date of publication of the *CVD Preliminary Determination*).

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, we will instruct CBP to reinstitute suspension of liquidation on all relevant entries of disposable aluminum containers from China, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**, CBP will require, at the same time as importers would normally deposit estimated duties on the subject merchandise, a cash deposit for each entry of subject merchandise equal to the subsidy rates listed below.[9] The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Estimated CVD Subsidy Rates

The net countervailable subsidy rates are as follows:

Company	Subsidy rate (percent)
Henan Aluminum Corporation	*317.85
Zhejiang Acumen Technology Living Co., Ltd	*317.85
All Others	*317.85

*Rate based on facts available with adverse inferences.

Provisional Measures—CVD

Section 703(d) of the Act states that suspension of liquidation instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published its *CVD Preliminary Determination* on October 28, 2024.[10] As such, the four-month period beginning on the date of the publication of the *CVD Preliminary Determination* ended on February 24, 2025.

Therefore, in accordance with section 703(d) of the Act, Commerce instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of disposable aluminum containers from China entered, or withdrawn from warehouse, for consumption after February 25, 2025, the date on which the provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**.

Establishment of the Annual Inquiry Service List

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.[11] On September 27, 2021, Commerce also published the *Procedural Guidance* in the **Federal Register**.[12] The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance,* for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at *https://access.trade.gov,* within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called ''AISL-Annual Inquiry Service List.'' [13]

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance,*[14] the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule,* Commerce stated that, ''after an initial request and placement on the annual inquiry service list, both petitioners and foreign

[9] *See* section 706(a)(3) of the Act.

[10] *See CVD Preliminary Determination.*

[11] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300 (September 20, 2021) (*Final Rule*).

[12] *See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

[13] This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as ''AISL-January Anniversary.'' Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

[14] *See Procedural Guidance,* 86 FR at 53206.

governments will automatically be placed on the annual inquiry service list in the years that follow.'' [15] Accordingly, as stated above, the petitioners and the Government of China should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioners and the Government of China will not need to resubmit their entry of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and the Government of China are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD and CVD orders with respect to disposable aluminum containers from China pursuant to sections 736(a) and 706(a) of the Act. Interested parties can find a list of duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with sections 736(a) and 706(a) of the Act and 19 CFR 351.211(b).

Dated: May 2, 2025.

Christopher Abbott,

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

Appendix

Scope of the Orders

The merchandise covered by the orders is disposable aluminum containers, pans, trays, and lids produced primarily from flat-rolled aluminum. The subject merchandise includes disposable aluminum containers, pans, trays, and lids regardless of shape or size and whether or not wrinkled or smooth.

The term ''disposable'' is used to identify an aluminum article that is designed to be used once, or for a limited number of times, and then recycled or otherwise disposed.

''Containers, pans, and ''trays'' are receptacles for holding goods.

The subject disposable aluminum lids are intended to be used in combination with disposable containers produced from aluminum or other materials (*e.g.,* paper or plastic). Where a disposable aluminum lid is imported with a non-aluminum container, only the disposable aluminum lid is included in the scope.

Disposable aluminum containers, pans, trays, and lids are also included within the scope regardless of whether the surface has been embossed, printed, coated (including with a non-stick substance), or decorated, and regardless of the style of the edges. The inclusion of a nonaluminum lid or dome sold or packaged with an otherwise in-scope article does not remove the article from the scope, however, only the disposable aluminum container, pan, tray, and lid is covered by the scope definition.

Disposable aluminum containers, pans, trays, and lids are typically used in food-related applications, including but not limited to food preparation, packaging, baking, barbequing, reheating, takeout, or storage, but also have other uses. Regardless of end use, disposable aluminum containers, pans, trays, and lids that meet the scope definition and are not otherwise excluded are subject merchandise.

Excluded from the scope are disposable aluminum casks, drums, cans, boxes and similar containers (including disposable aluminum cups and bottles) properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 7612.90. However, aluminum containers, pans, trays, and lids that would otherwise be covered by the scope are not excluded based solely on the fact that they are being classified under HTSUS subheading 7612.90.5000 due to the thickness of aluminum being less than 0.04 mm or greater than 0.22 mm.

The flat-rolled aluminum used to produce the subject articles may be made to ASTM specifications ASTM B479 or ASTM B209–14 but can also be made to other specifications. Regardless of the specification, however, all disposable aluminum containers, pans, trays, and lids meeting the scope description are included in the scope.

Disposable aluminum containers, pans, trays, and lids are currently classifiable under HTSUS subheading 7615.10.7125. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7612.90.1090, 7615.10.3015, 7615.10.3025, 7615.10.7130, 7615.10.7155, 7615.10.7180, 7615.10.9100, and 8309.90.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2025–08089 Filed 5–7–25; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See Final Rule,* 86 FR at 52335.

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 9, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0084, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove

[1] 17 CFR 145.9, 74 FR 17395 (Apr. 15, 2009).

any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov*.

SUPPLEMENTARY INFORMATION:

Title: Regulations Establishing and Governing the Duties of Swap Dealers and Major Swap Participants (OMB Control No. 3038–0084). This is a request for an extension of a currently approved information collection.

Abstract: On April 3, 2012,[2] the Commission adopted Commission regulations 23.600 (Risk Management Program for Swap Dealers and Major Swap Participants), 23.601 (Monitoring of Position Limits), 23.602 (Diligent Supervision), 23.603 (Business Continuity and Disaster Recovery), 23.606 (General Information: Availability for Disclosure and Inspection), and 23.607 (Antitrust Considerations) [3] pursuant to section 4s(j) [4] of the Commodity Exchange Act (''CEA''). The above regulations adopted by the Commission require, among other things, swap dealers (''SD'') [5] and major swap participants (''MSP'') [6] to: (1) develop robust and professional risk management systems (including a plan for business continuity and disaster recovery and policies and procedures designed to ensure compliance with applicable position limits) adequate for managing the day-to-day business of the SD or MSP; (2) monitor its trading in swaps to prevent violations of applicable position limits; (3) disclose to the Commission and to the prudential regulator for the SD or MSP, as applicable, information concerning (A) terms and condition of its swaps, (B) swap trading operations, mechanisms, and practices, (C) financial integrity protections relating to swaps, and (D) other information relevant to its trading in swaps; and (4) establish and enforce internal systems and procedures to obtain any necessary information needed to perform their duties and to provide such information to the Commission and any applicable prudential regulator. The Commission believes that the information collection obligations imposed by the above regulations are essential to ensuring that SDs and MSPs maintain adequate and effective risk management.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[7] On February 4, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 9075 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its burden estimate for this collection to reflect the current number of respondents and the current number of estimated burden hours.[8] The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 106.

Estimated Average Burden Hours per Respondent: 1,149.5 hours.

Estimated Total Annual Burden Hours: 121,847 hours.

Frequency of Collection: As applicable.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: May 5, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–08070 Filed 5–7–25; 8:45 am]

BILLING CODE 6351–01–P

[2] 77 FR 20128 (Apr. 3, 2012).

[3] 17 CFR 23.600, 23.601, 23.602, 23.603, 23.606, and 23.607.

[4] 7 U.S.C. 6s(j).

[5] For the definition of SD, see section 1a(49) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(49) and 17 CFR 1.3.

[6] For the definitions of MSP, see section 1a(33) of the CEA and Commission regulation 1.3. 7 U.S.C. 1a(33) and 17 CFR 1.3.

[7] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8 (b)(3)(vi). *See also* 46 FR 63035 (Dec. 30, 1981).

[8] There was a separation of functions that resulted in a change of estimated burden hours per respondent. The estimated average burden hours increased from 1,148.5 to 1,149.5. In the prior renewal, two functions were combined and used for calculating the estimated burden hours. Separating these functions resulted in an adjustment to burden hours.

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0052: Core Principles & Other Requirements for Designated Contract Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on reporting requirements relating to collections of information related to designated contract markets (''DCMs'') under the Commission's regulations.

DATES: Comments must be submitted on or before July 7, 2025.

ADDRESSES: You may submit comments, identified by ''OMB Control No. 3038–0052'' by any of the following methods:

- The Agency's website, at *https://comments.cftc.gov/*. Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Roger Smith, Associate Chief Counsel, Division of Market Oversight, Commodity Futures Trading Commission, 77 West Jackson Blvd., Suite 800, Chicago, IL 60604; 202–418–5344; email: *rsmith@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public

submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed extension of the existing collection of information listed below. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Title: Core Principles & Other Requirements for DCMs (OMB Control No. 3038–0052). This is a request for a revision and extension of a currently approved information collection.

Abstract: Part 38 of the Commission's regulations governs the activities of DCMs. The information collected pursuant to Part 38 is necessary for the Commission to evaluate whether entities operating as, or applying to become, DCMs comply with the part 38 and other Commission requirements and the CEA's statutory requirements.

In general, OMB Control Number 3038–0052 covers all information collections in part 38, including subpart A and the DCM core principles (*i.e.,* subparts B through X) as well as the related appendices thereto (*i.e.,* Appendix A—Form DCM; Appendix B—Guidance on, and Acceptable Practices in, Compliance with Core Principles; and Appendix C—Demonstration of Compliance That a Contract Is Not Readily Susceptible to Manipulation). Further, this OMB control number, 3038–0052, includes all information collections related to part 9 (''Rules Relating to Review of Exchange Disciplinary, Access Denial or Other Adverse Actions') to the extent part 9 is applicable to DCMs. This collection also includes the requirements under regulation 38.251(g) in connection with the reporting of specific market disruption events to the Commission.

The collection also includes information collection requirements under regulation 1.52 regarding the Enhanced Protections Afforded Customer and Customer Funds Held by Futures Clearing Merchants and Derivatives Clearing Organizations for DCMs.[1] Additionally, this control number includes collections under regulation 38.1051(n) that relate to system safeguards and cybersecurity testing requirements and requires DCMs to provide the Commission with annual trading volume information. For the majority of collections under OMB control number 3038–0052, the Commission notes that the number of registered, active DCMs has increased from 16 to 18. This increase in the number of registered DCMs has increased the estimated information collection burdens for OMB control number 3038–0052, as shown below.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish for the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[2]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burden for this collection. The respondent burden for this collection is estimated to be as follows:

Total Estimated Burden for Information Collection 3038–0052

Estimated number of respondents: 18.

Estimated total annual number of responses: 8,364 (rounded).

Estimated total annual burden hours: 11,802 (rounded).

Estimated total annual burden cost: $1,147,642.

Frequency of Collection: On occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: May 5, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–08073 Filed 5–7–25; 8:45 am]

BILLING CODE 6351–01–P

[1] The Commission notes that § 38.605 incorporates and references § 1.52.

[2] 17 CFR 145.9.

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 9, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency

Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0075, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Protection of Collateral of Counterparties to Uncleared Swaps; Treatment of Securities in a Portfolio Margining Account in a Commodity Broker Bankruptcy (OMB Control No. 3038–0075). This is a request for an extension of a currently approved information collection.

Abstract: Section 4s(l) of the Commodity Exchange Act requires swap dealers (''SDs'') and major swap participants (''MSPs'') to notify uncleared swap counterparties that they have the right to require that any initial margin the counterparty provides in connection with such transaction be segregated, and to report quarterly to counterparties who have not requested segregated accounts that the back office procedures of the SD or MSP relating to margin and collateral comply with the agreement of the counterparties.

Regulations 23.701 and 23.704 establish reporting requirements that are mandated by Section 4s(l) and, thus, are necessary to implement the objectives of Section 4s(l). Regulation 23.701 requires that the SD or MSP notify the counterparty at the beginning of the swap trading relationship of the counterparty's right to require segregation of initial margin, and to permit the counterparty to change that election by written notice to the SD or MSP. Regulation 23.704 requires that, in certain circumstances, an SD or MSP must report to the counterparty, on a quarterly basis, that the back-office procedures of the SD or MSP relating to margin and collateral requirements are in compliance with the agreement of the counterparties. The data required to be compiled and maintained pursuant to Regulations 23.701 and 23.704 would be used by uncleared swap counterparties (and, in some instances, the CFTC and self-regulatory organizations).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[2] On February 3, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 8793 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect the current number of registered SDs. There are currently no registered MSPs. The respondent burden for this collection is estimated to be as follows:

- *Regulation 23.701:*

Estimated Number of Respondents: 106.

Estimated Average Burden Hours per Respondent: 600 hours.

Estimated Total Annual Burden Hours: 63,600 hours.

Frequency of Collection: Beginning of the swap trading relationship with a counterparty.

- *Regulation 23.704:*

Estimated Number of Respondents: 106.

Estimated Average Burden Hours per Respondent: 806 hours.

Estimated Total Annual Burden Hours: 85,436 hours.

Frequency of Collection: Quarterly (4 times per year).

Total Annual Burden for the Collection: 149,036 hours.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: May 5, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–08063 Filed 5–7–25; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9, 74 FR 17395 (Apr. 15, 2009).

[2] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi). *See also* 46 FR 63035 (Dec. 30, 1981).

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before June 9, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be

entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0094, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Clearing Member Risk Management (OMB Control No. 3038–0094). This is a request for an extension of a currently approved information collection.

Abstract: Section 3(b) of the Commodity Exchange Act (''Act'' or ''CEA'') provides that one of the purposes of the Act is to ensure the financial integrity of all transactions subject to the Act and to avoid systemic risk. Section 8a(5) of the CEA authorizes the Commission to promulgate such regulations that it believes are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of the CEA. Risk management systems are critical to the avoidance of systemic risk.

Section 4d of the CEA requires Futures Commission Merchants (''FCMs'') to register with the Commission. It further requires FCMs to segregate customer funds. Section 4f of the CEA requires FCMs to maintain certain levels of capital and Section 4g of the CEA establishes reporting and recordkeeping requirements for FCMs.

Section 4s(j)(2) of the CEA requires each Swap Dealer (''SD'') and Major Swap Participant (''MSP'') to have risk management systems adequate for managing its day-to-day business. Section 4s(j)(4) of the CEA requires each SD and MSP to have internal systems and procedures to obtain any necessary information to perform any of the functions set forth in Section 4s.

Pursuant to these provisions, the Commission adopted Commission regulation 1.73 which applies to clearing members that are FCMs and Commission regulation 23.609 which applies to clearing members that are SDs or MSPs.[2] These provisions require these clearing members to have procedures to limit the financial risks they incur as a result of clearing trades and liquid resources to meet obligations.

The regulations require clearing members, who are FCMs, SDs, or MSPs to: (1) establish risk-based limits based on position size, order size, margin requirements, or similar factors, and for FCMs, risk-based limits must be established for the proprietary account and in each customer account; (2) screen orders for compliance with the risk-based limits; (3) monitor for adherence to the risk-based limits intra-day and overnight; (4) conduct stress tests under extreme but plausible conditions of all positions at least once per week, and for FCMs, the stress tests must be conducted for all positions in the proprietary account and in each customer account that could pose material risk to the FCM; (5) evaluate its ability to meet initial margin requirements at least once per week; (6) evaluate its ability to meet variation margin requirements in cash at least once per week; (7) evaluate its ability to liquidate the positions it clears in an orderly manner, and estimate the cost of the liquidation, and for FCMs, the evaluation must be done at least once per quarter and conducted for all positions in the proprietary account and customer accounts; and (8) test all lines of credit at least once per year.

Each of these items has been observed by Commission staff as an element of an existing sound risk management program at an FCM, SD, or MSP. The Commission regulations require each FCM, SD, or MSP clearing member to establish written procedures to comply with these regulations and to keep records documenting its compliance.

The information collection obligations imposed by the regulations are necessary to implement certain provisions of the CEA, including ensuring that registrants exercise effective risk management and for the efficient operation of trading venues among FCMs, SDs, and MSPs that are clearing members, in order to maintain financial stability at derivatives clearing organizations (''DCOs'').

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[3] On February 4, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 8927 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is not revising its estimate of the burden for this collection, as the total number of respondents has not changed. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 167 (61 Clearing Member FCMs and 106 Clearing Member SDs).[4]

[1] 17 CFR 145.9, 74 FR 17395 (Apr. 15, 2009).

[2] 77 FR 21278 (Apr. 9, 2012).

[3] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8(b)(3)(vi). See also 46 FR 63035 (Dec. 30, 1981).

[4] The 60-Day Notice reflected an estimate of 168 respondents. Based on this number of respondents, the Commission had previously estimated that the annual burden hours for all respondents totaled 84,672. These estimates have been updated based on the most recent available data on the total number of respondents as shown here.

Estimated Average Burden Hours per Respondent: 504 hours.

Estimated Total Annual Burden Hours: 84,168 hours.

Frequency of Collection: As needed.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: May 5, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–08066 Filed 5–7–25; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0019]

Agency Information Collection Activities; Comment Request; Rural Education Achievement Program: Small, Rural School Achievement Program and Rural and Low-Income School Program Application

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (Department).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 7, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2025–SCC–0019. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Rural Education Achievement Program (REAP) Office, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C110, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Victoria Hammer, (202) 260–1438.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Rural Education Achievement Program: Small, Rural School Achievement Program and Rural and Low-Income School Program Application.

OMB Control Number: 1810–0646.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 4,565.

Total Estimated Number of Annual Burden Hours: 4,120.

Abstract: The Department administers two formula grant programs under Title V, Part B (Rural Education Achievement Program (REAP)) of the Elementary and Secondary Education Act of 1965 (ESEA): the Small, Rural School Achievement (SRSA) program, administered by the Department, which makes awards directly to local educational agencies (LEAs); and the Rural and Low-Income School (RLIS) program, awarded by the Department to State Educational Agencies (SEAs), which then make awards to and administer the program for LEAs. The Department may also make RLIS awards directly to LEAs in States that do not submit an approvable RLIS application to the Department. These LEAs that apply directly to the Department for RLIS funding are known as Specially Qualified Agencies (SQAs).

The information provided to the Department enables the Department to make eligibility determinations for LEAs and to calculate formula allocations for each eligible LEA. Form 1 consists of the REAP Eligibility Spreadsheet through which SEAs provide to the Department eligibility and allocation data for both the RLIS and SRSA programs. Form 2 consists of the application package for LEAs under the SRSA program. Form 3 consists of the application package for SQAs under the RLIS program. This is a request for extension of the current information collection package (OMB #1810–0646), updated for the future fiscal years in which the collection would apply.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–07979 Filed 5–7–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Tests Determined To Be Suitable for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces tests, test forms, and delivery formats that the Secretary determines to be suitable for use in the National Reporting System for Adult Education (NRS). The Secretary also announces an extension of the sunset period for two tests with National Reporting System for Adult Education (NRS) approvals that expired on February 5, 2025, and September 7, 2024. The sunset period for these tests is extended to June 30, 2026. This notice relates to the approved information collections under OMB control numbers 1830–0027 and 1830–0567.

FOR FURTHER INFORMATION CONTACT: John LeMaster, Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 987–0903. Email: *John.LeMaster@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Test Determined To Be Suitable for Use in the NRS for a Seven-Year Period From the Date of Publication of This Notice

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts at all Adult Basic Education (ABE) levels of the NRS for a period of seven years from the date of publication of this notice:

Comprehensive Adult Student Assessment System (CASAS) Reading GOALS 2 Series. Forms 921/922, 923/924, 925/926, 927/928, and 929/930 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

Test With NRS Approval That Expired on February 5, 2025, Previously Allowed for Use in the NRS During a Sunset Period Ending on June 30, 2025, and Now Allowed for Use During an Extended Sunset Period Ending on June 30, 2026

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts at all ABE levels of the NRS during a sunset period ending on June 30, 2026:

Comprehensive Adult Student Assessment System (CASAS) Reading GOALS Series. Forms 901/902, 903/904, 905/906, and 907/908 are approved for use on paper and through a computer-based delivery format. Publisher: CASAS, 5151 Murphy Canyon Road, Suite 220, San Diego, CA 92123–4339. Telephone: (800) 255–1036. Internet: *www.casas.org/.*

Test With NRS Approval That Expired on September 7, 2024, Previously Allowed for Use in the NRS During a Sunset Period Ending on June 30, 2025, and Now Allowed for Use During an Extended Sunset Period Ending on June 30, 2026

The Secretary has determined that the following test is suitable for use in Literacy/English Language Arts and Mathematics at all ABE levels of the NRS during a sunset period ending on June 30, 2026:

Tests of Adult Basic Education (TABE 11/12). Forms 11 and 12 are approved for use on paper and through a computer-based delivery format. Publisher: Data Recognition Corporation—CTB, 13490 Bass Lake Road, Maple Grove, MN 55311. Telephone: 800–538–9547. Internet: *www.tabetest.com.*

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 29 U.S.C. 3292.

OMB Control Numbers: 1830–0027, 1830–0567.

Nicholas Moore,

Deputy Assistant Secretary and Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2025–07974 Filed 5–7–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0008]

Agency Information Collection Activities; Comment Request; 21st Century Community Learning Centers Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a reinstatement with changes of a previously approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before July 7, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2025–SCC–0008. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to Patrick Rooney, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4B113, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Patrick Rooney, (202) 219–1662.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 21st Century Community Learning Centers Annual Performance Report.

OMB Control Number: 1810–0668.

Type of Review: Reinstatement with change of a previously approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1,324.

Total Estimated Number of Annual Burden Hours: 38,264.

Abstract: The purpose of the 21st Century Community Learning Centers (21st CCLC) program, as authorized under Title IV, Part B, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7171–7176) is to create community learning centers that provide academic enrichment opportunities for children, particularly students who attend high poverty and low-performing schools, to meet State and local student standards in core academic subjects, to offer students a broad array of enrichment activities that can complement their regular academic programs, and to offer literacy and other educational services to the families of participating children. Present in all 50 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands, and the Bureau of Indian Education, academic enrichment and youth development programs are designed to enhance participants' well-being and academic success. The Department of Education (ED) is requesting authorization for an extension to collect data for 21st CCLC programs. The core purpose is to collect information on the performance indicators associated with the 21st CCLC program to report to Congress annually on the implementation and progress of 21st CCLC projects. All elements collected serve to meet the reporting requirements of the GPRAs. These metrics delivered in the form of an Annual Performance Report (APR) are the primary way the federal government determines the success and progress of the 21st CCLC program based on the statutory requirements.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–08071 Filed 5–7–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Proposed Subsequent Arrangement

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Proposed subsequent arrangement to retransfer U.S.-obligated nuclear material from Australia to France for reprocessing.

SUMMARY: This document is being issued under the authority of the *Atomic Energy Act of 1954,* as amended. The Department of Energy is providing notice of a proposed subsequent arrangement under the Agreement between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy (U.S.-Australia 123 Agreement) and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States of America and the European Atomic Energy Community (Euratom). (U.S.-Euratom 123 Agreement).

DATES: This subsequent arrangement will take effect no sooner than May 23, 2025 and after 15 days of continuous session of Congress has elapsed, beginning the day after the date on which the report required under section 131b.(1) of the *Atomic Energy Act of 1954,* as amended, is submitted to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. The two time periods referred to above may run concurrently.

FOR FURTHER INFORMATION CONTACT: Ms. Caterina Fox, Director, Office of Nonproliferation Policy, National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, telephone: (202) 586–4460, or email: *caterina.fox@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This subsequent arrangement details the retransfer of 186 spent U-Si fuel assemblies containing 425,145.70g of U.S.-obligated low enriched uranium of which 47,711.91g is enriched in the isotope U–235, an enrichment level of 11.22%. In addition to the low-enriched uranium, the spent fuel assemblies also contain 4000.63g of U.S.-obligated plutonium. The spent fuel assemblies were irradiated at the Open Pool Australian Lightwater (OPAL) research reactor at the Australian Nuclear Science and Technology Organisation (ANSTO) in Lucas Heights, New South Wales, Australia.

The spent fuel is being retransferred to Orano S.A. at the La Hague reprocessing plant in France; a member of Euratom. At La Hague, the material is intended for recovery and reprocessing. Any uranium and plutonium recovered during the reprocessing will be titled over to Orano S.A. The plutonium recovered is to be incorporated into mixed oxide fuel assemblies for use in civilian nuclear power plants in France or in the European Union or until it is disposed of in accordance with terms that are acceptable to the United States.

In accordance with section 131 of the *Atomic Energy Act of 1954,* as amended, I have determined that this subsequent arrangement concerning the retransfer of U.S.-obligated special nuclear material for reprocessing will not be inimical to the common defense and security of the United States of America. Furthermore, I have made the judgement that it will not result in a significant increase in the risk of proliferation beyond that which exists now, or which existed at the time approval was requested.

Signing Authority

This document of the Department of Energy of the Department of Energy was signed on April 30, 2025, by Teresa Robbins, Acting Under Secretary for Nuclear Security and Administrator, National Nuclear Security 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 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 May 5, 2025.

Treena V. Garrett,

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

[FR Doc. 2025–08064 Filed 5–7–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EG25–307–000.

Applicants: AE–ESS Holyoke, LLC.

Description: AE–ESS Holyoke, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/30/25.

Accession Number: 20250430–5370.

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

Docket Numbers: EG25–308–000.

Applicants: Cascade BESS LLC.

Description: Cascade BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 4/30/25.
Accession Number: 20250430–5376.
Comment Date: 5 p.m. ET 5/21/25.

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

Docket Numbers: ER10–2437–024.
Applicants: Arizona Public Service Company.
Description: Notice of Change in Status and Errata of Arizona Public Service Company.
Filed Date: 4/29/25.
Accession Number: 20250429–5344.
Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER15–1015–004.
Applicants: AltaGas Brush Energy Inc.
Description: Notice of Change in Status of AltaGas Brush Energy, Inc.
Filed Date: 4/29/25.
Accession Number: 20250429–5347.
Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER24–116–004.
Applicants: Rhythm Ops, LLC.
Description: Notice of Non-Material Change in Status of Rhythm Ops, LLC.
Filed Date: 4/29/25.
Accession Number: 20250429–5363.
Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–1489–001.
Applicants: PacifiCorp.
Description: Tariff Amendment: Amendment to Certificate of Concurrence designated as Rate Schedule No. 796 to be effective 2/26/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5270.
Comment Date: 5 p.m. ET 5/12/25.

Docket Numbers: ER25–2058–000.
Applicants: Lincoln Land Energy Center LLC.
Description: Request for Prospective and Limited Waiver, et al. of Lincoln Land Energy Center LLC.
Filed Date: 4/25/25.
Accession Number: 20250425–5277.
Comment Date: 5 p.m. ET 5/16/25.

Docket Numbers: ER25–2080–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF 2025 Annual Filing of Cost Factor Updates to be effective 5/1/2025.
Filed Date: 4/29/25.
Accession Number: 20250429–5233.
Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2081–000.
Applicants: Fairbanks Solar Energy Center LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and MBR Tariff Revisions to be effective 6/29/2025.
Filed Date: 4/29/25.
Accession Number: 20250429–5249.
Comment Date: 5 p.m. ET 5/20/25.

Docket Numbers: ER25–2082–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: RS 225: Amendment to Lassen Municipal Utility District IA to be effective 7/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5000.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2083–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: May 2025 Membership Filing to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5001.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2084–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of Service Agreement No. 5608; Queue No. AE1–218 to be effective 6/30/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5054.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2086–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 5956; Queue Position No. AB2–172 to be effective 6/30/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5108.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2087–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement Nos. 6829 & 6830; Queue No. AD1–100 to be effective 6/30/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5142.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2088–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original GIA Service Agreement No. 7644; Project Identifier No. AE1–166/AE2–152 to be effective 3/31/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5187.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2089–000.
Applicants: Vitol PA Wind Marketing LLC.
Description: § 205(d) Rate Filing: Keystone Wind Marketing Notice of Succession Filing to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5188.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2090–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3125R18 Basin Electric Power Cooperative NITSA and NOA to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5237.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2091–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1637R5 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 4/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5239.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2092–000.
Applicants: New York State Electric & Gas Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO–NYSEG 205: Amended LGIA Morris Ridge Solar SA2790 (CEII) to be effective 4/17/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5249.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2093–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 128, Revised and Restated Minden PSA to be effective 5/30/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5254.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2094–000.
Applicants: NSTAR Electric Company.
Description: § 205(d) Rate Filing: Town of Braintree—Interconnection Agreement to be effective 5/1/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5258.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2095–000.
Applicants: Hardin Solar Energy III LLC.
Description: Compliance filing: Notice of Non-Material Change in Status and MBR Tariff Revisions to be effective 6/30/2025.
Filed Date: 4/30/25.
Accession Number: 20250430–5283.
Comment Date: 5 p.m. ET 5/21/25.

Docket Numbers: ER25–2096–000.

Applicants: Blooming Grove Wind Energy Center LLC.

Description: Compliance filing: Notice of Non-Material Change in Status and MBR Tariff Revisions to be effective 6/30/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5285.

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

Docket Numbers: ER25–2097–000.

Applicants: Florida Power & Light Company.

Description: Tariff Amendment: FPL Notice of Cancellation of Transmission Service Agreement No. 274 to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5288.

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

Docket Numbers: ER25–2098–000.

Applicants: Cleco Cajun LLC.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5329.

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

Docket Numbers: ER25–2099–000.

Applicants: 2018 ESA Project Company, LLC.

Description: Compliance filing: Notice of Change in Status, Updated Category Seller Status & Revised MBR Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5331.

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

Docket Numbers: ER25–2100–000.

Applicants: Hudson Ranch Power I LLC.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5386.

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

Docket Numbers: ER25–2101–000.

Applicants: Diablo Winds, LLC.

Description: Compliance filing: Notice of Change in Status, Updated Category Seller Status & Revised MBR Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5336.

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

Docket Numbers: ER25–2102–000.

Applicants: Macquarie Energy LLC.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5338

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

Docket Numbers: ER25–2103–000.

Applicants: Macquarie Energy Trading LLC.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5340.

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

Docket Numbers: ER25–2105–000.

Applicants: Elevate Renewables F7, LLC.

Description: Compliance filing: Notice of Change in Status, Updated Category Seller Status & Revised MBR Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5384.

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

Docket Numbers: ER25–2106–000.

Applicants: Long Beach Generation LLC.

Description: Compliance filing: Notice of Change in Status, Updated Category Seller Status & Revised MBR Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5391.

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

Docket Numbers: ER25–2107–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Ministerial Clean-Up to Capacity Market DER Rules Under Order No. 2222 to be effective 3/24/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5397.

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

Docket Numbers: ER25–2108–000.

Applicants: Wheelabrator Bridgeport, L.P.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5403.

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

Docket Numbers: ER25–2109–000.

Applicants: Wheelabrator Concord Company, L.P.

Description: Compliance filing: Notice of Non-Material Change in Status and Revised Market-Based Rate Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5409.

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

Docket Numbers: ER25–2110–000.

Applicants: Shiloh IV Lessee, LLC.

Description: Compliance filing: Notice of Change in Status, Updated Category Seller Status & Revised MBR Tariff to be effective 5/1/2025.

Filed Date: 4/30/25.

Accession Number: 20250430–5412.

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

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH25–7–000.

Applicants: BCP Fund UGP, LLC.

Description: BCP Fund UGP, LLC submits FERC 65–A Exemption Notification.

Filed Date: 4/29/25.

Accession Number: 20250429–5367.

Comment Date: 5 p.m. ET 5/20/25.

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

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

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

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Dated: April 30, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08061 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25–50–000.
Applicants: Centana Intrastate Pipeline, LLC.
Description: § 284.123(g) Rate Filing: 2025 Rate Petition to be effective 3/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5371.
Comment Date: 5 p.m. ET 5/22/25.
§ 284.123(g) Protest: 5 p.m. ET 6/30/25.

Docket Numbers: RP25–882–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Compliance filing: 2025 GNGS TUP/SBA Annual Filing to be effective N/A.
Filed Date: 5/1/25.
Accession Number: 20250501–5216.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–883–000.
Applicants: Mountain Valley Pipeline, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—05/01/2025 to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5220.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–884–000.
Applicants: Sabal Trail Transmission, LLC.
Description: § 4(d) Rate Filing: 2025 TUP/SBA Annual Filing to be effective 6/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5223.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–885–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—05/01/2025 to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5224.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–886–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20250501 Winter PRA to be effective 11/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5233.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–887–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20250501 Negotiated Rate to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5253.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–888–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 5–1–25 to be effective 5/1/2025.
Filed Date: 5/1/25.
Accession Number: 20250501–5367.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–889–000.
Applicants: ConocoPhillips Company, Marathon Oil Company, Marathon Oil Permian LLC.
Description: Joint Petition for Limited Waiver of Capacity Release Regulations, et al. of ConocoPhillips Company, et al.
Filed Date: 5/1/25.
Accession Number: 20250501–5332.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP25–890–000.
Applicants: Double E Pipeline, LLC.
Description: Annual System Balancing Adjustment of Double E Pipeline, LLC.
Filed Date: 5/1/25.
Accession Number: 20250501–5384.
Comment Date: 5 p.m. ET 5/13/25.

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

Filings in Existing Proceedings

Docket Numbers: RP12–609–000.
Applicants: Texas Gas Transmission, LLC.
Description: Report Filing: 2024 Operational Purchases and Sales Report Filing to be effective N/A.
Filed Date: 5/1/25.
Accession Number: 20250501–5244.
Comment Date: 5 p.m. ET 5/13/25.

Docket Numbers: RP13–212–000.
Applicants: Boardwalk Storage Company, LLC.
Description: Report Filing: 2024 Operational Purchases and Sales Report Filing to be effective N/A.
Filed Date: 5/1/25.
Accession Number: 20250501–5207.
Comment Date: 5 p.m. ET 5/13/25.

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

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

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Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08051 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL25–73–000]

Longview Power, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On May 2, 2025, the Commission issued an order in Docket No. EL25–73–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Longview Power, LLC's Rate Schedule is considered unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *Longview Power, LLC,* 191 FERC ¶ 61,099 (2025).

The refund effective date in Docket No. EL25–73–000 established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL25–73–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2024), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all

interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*https://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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

Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08053 Filed 5–7–25; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–12–000]

Rover Pipeline, LLC; Notice of Revised Schedule for Environmental Review of the Rover-Bulger Compressor Station and Harmon Creek Meter Station Expansion Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Rover Pipeline, LLC's (Rover) Rover-Bulger Compressor Station and Harmon Creek Meter Station Expansion Project (Project).[1] The first notice of schedule, issued on December 30, 2024, identified May 5, 2025, as the EA issuance date. However, as indicated in a filing dated April 30, 2025, Rover requires additional time to respond to staff's April 24, 2025, environmental information request, and subsequently, staff will require additional time to process this response. As a result, staff has revised the schedule for issuance of the EA. The EA will be issued for a 30-day comment period.

Schedule for Environmental Review

Issuance of the EA: June 25, 2025
90-day Federal Authorization Decision Deadline:[2] September 23, 2025

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

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

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1745398211.

[2] The Commission's deadline applies to the decisions of other Federal agencies, and State agencies acting under federally delegated authority, that are responsible for Federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by Federal law.

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Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP25–12), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08052 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: AC25–94–000.
Applicants: Southwestern Electric Power Company.
Description: Southwestern Electric Power Company submits request for approval of proposed journal entries re acquisition of Diversion Wind Energy LLC, consummated on 12/23/2024.
Filed Date: 5/2/25.
Accession Number: 20250502–5041.
Comment Date: 5 p.m. ET 5/23/25.

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

Docket Numbers: EG25–309–000.
Applicants: Sierra BESS LLC.
Description: Sierra BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 4/30/25.
Accession Number: 20250430–5680.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: EG25–310–000.
Applicants: Flickertail Wind, LLC.
Description: Flickertail Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 5/2/25.
Accession Number: 20250502–5135.
Comment Date: 5 p.m. ET 5/23/25.

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

Docket Numbers: ER17–1931–013; ER14–594–024; ER14–867–010; ER14–868–011; ER17–1930–013; ER17–1932–013; ER20–649–010.
Applicants: AEP Energy Partners, Inc., Southwestern Electric Power Company, Public Service Company of Oklahoma, AEP Retail Energy Partners, AEP Energy, Inc., Ohio Power Company, AEP Texas Inc.
Description: Notice of Change in Status of AEP Texas Inc., et al.
Filed Date: 4/30/25.
Accession Number: 20250430–5688.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER20–2845–004; ER18–315–004; ER20–1657–003; ER20–2846–004; ER25–1104–001.
Applicants: Aulander Holloman Solar, LLC, Mechanicsville Lessee, LLC, Mechanicsville Solar, LLC, Wildwood Lessee, LLC, Albemarle Beach Solar, LLC.
Description: Notice of Non-Material Change in Status of Albemarle Beach Solar, LLC, et al.
Filed Date: 4/30/25.
Accession Number: 20250430–5689.
Comment Date: 5 p.m. ET 5/21/25.
Docket Numbers: ER25–2129–001.
Applicants: Commonwealth Edison Company.
Description: Tariff Amendment: Errata to ComEd Amendment to Attachment H–13A in ER25–2129 to be effective 5/1/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5097.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2139–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 6775; Queue No. AD1–151 to be effective 7/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5032.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2140–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 5822; Queue No. AE1–143 to be effective 7/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5043.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2141–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Attachments AE and AF to Enhance Offer Validation to be effective 12/31/9998.
Filed Date: 5/2/25.
Accession Number: 20250502–5051.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2142–000.
Applicants: MATL LLP.
Description: Compliance filing: Order No. 676–K Compliance Filing (RM05–5) to be effective 2/27/2026.
Filed Date: 5/2/25.
Accession Number: 20250502–5052.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2143–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Necessary Studies Agreement, Original SA No. 7672; Queue Position No. AF2–122 to be effective 7/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5056.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2144–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Services Company, Ameren Transmission Company of Illinois.
Description: § 205(d) Rate Filing: Ameren Transmission Company of Illinois submits tariff filing per 35.13(a)(2)(iii: 2025–05–02_Ameren Services Request for Transmission Rate Incentives to be effective 7/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5071.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2146–000.
Applicants: CenterPoint Energy Houston Electric, LLC.
Description: § 205(d) Rate Filing: TFO Tariff Interim Rate Revision to Conform with PUCT to be effective 5/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5118.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2147–000.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: NYISO Compliance: Conform FERC eTariff Records to be effective 12/3/2024.
Filed Date: 5/2/25.
Accession Number: 20250502–5120.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2148–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original GIA, SA No. 7646; Project Identifier No. AC2–111/AF1–071 to be effective 4/2/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5157.
Comment Date: 5 p.m. ET 5/23/25.
Docket Numbers: ER25–2149–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Revisions to Revise Certain Dates Related to Order 2023 Transition Process to be effective 5/3/2025.
Filed Date: 5/2/25.
Accession Number: 20250502–5184.
Comment Date: 5 p.m. ET 5/23/25.

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

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Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08050 Filed 5–7–25; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[CP24–529–000]

Tennessee Gas Pipeline Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed 507G Line Abandonment Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the 507G Line Abandonment Project (Project), proposed by Tennessee Gas Pipeline Company, LLC (Tennessee) in the above-referenced docket.[1] Tennessee requests authorization to abandon in place and by removal a portion of Tennessee's 507G–100 and 507G–500 Lines and the associated appurtenances, located in Acadia, Vermilion, Iberia, and St. Mary Parishes, Louisiana. The EA assesses the potential environmental effects of the abandonment activities associated with the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Project consists of the abandonment in-place of approximately 58.0 miles and abandonment by removal of approximately 17.3 miles of the 16-inch-diameter 507G–100 Line and disconnection and removal of appurtenant facilities. In addition, the Project involves abandonment in-place of about 7.9 miles and abandonment by removal of about 1.1 miles of the 12-inch-diameter 507G–500 supply lateral pipeline, and disconnection and removal of appurtenant facilities. In addition, under Section 2.55(a) of the Commission's regulations, Tennessee intends to relocate an existing pigging facility.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; and potentially affected landowners and other interested individuals and groups in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.* CP24–529). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on June 2, 2025.

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

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

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

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP24–529–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

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

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

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the

[1] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1731681706.

documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: May 2, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–08067 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15366–000]

Town of Stowe Electric Department; Notice of Reasonable Period of Time for Water Quality Certification Application

On April 30, 2025, the Town of Stowe Electric Department submitted to the Federal Energy Regulatory Commission (Commission) documentation from the Vermont Department of Environmental Conservation (Vermont DEC) that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from the Town of Stowe Electric Department, in conjunction with the above captioned project on April 25, 2025. Pursuant to the Commission's regulations,[1] we hereby notify Vermont DEC of the following.

Date of Receipt of the Certification Request: April 25, 2025.

Reasonable Period of Time to Act on the Certification Request: One year, April 25, 2026.

If Vermont DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: May 2, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–08069 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD25–4–000]

Commission Information Collection Activities (Ferc–725n) Comment Request; Revision

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on proposed revisions of the currently approved information collection, FERC–725N, (Mandatory Reliability Standards: TPL Reliability Standards).

DATES: Comments on the collection of information are due June 9, 2025.

ADDRESSES: Send written comments on FERC–725N to OMB through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202504-1902-006.* You can also visit *https://www.reginfo.gov/public/do/PRAMain* and use the drop-down under ''Currently under Review'' to select the ''Federal Energy Regulatory Commission'' where you can see the open opportunities to provide comments. Comments should be sent within 30 days of publication of this notice.

Please submit a copy of your comments to the Commission via email to *DataClearance@FERC.gov.* You must specify the Docket No. (RD25–4–000) and the FERC Information Collection number (FERC–725N in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *All other delivery methods:* Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.* Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams, (202) 502–6468, *DataClearance@FERC.gov.*

SUPPLEMENTARY INFORMATION:

Title: FERC–725N, (Mandatory Reliability Standards: TPL Reliability Standards.

OMB Control No.: FERC–725N (1902–0264).

Type of Request: On December 17, 2024, the North American Electric Reliability Corporation (NERC) submitted a petition seeking approval of proposed Reliability Standard TPL–008–1 (Transmission System Planning Performance Requirements for Extreme Temperature Events).[1] Further, NERC seeks approval of the associated implementation plan, violation risk factors, and violation severity levels. NERC also seeks approval of a proposed definition of ''extreme temperature assessment'' for inclusion in the NERC Glossary of Terms Used in NERC Reliability Standards (NERC Glossary).[2] For the reasons discussed below, pursuant In Order No. 896, the Commission directed NERC to submit a new or modified Reliability Standard that addresses the Commission's identified concerns pertaining to transmission system planning for extreme heat and cold weather events that impact the Reliable Operation of the Bulk-Power System.[3] Specifically, the Commission directed NERC to develop a new or modified Reliability Standard that requires the following: (1) development of benchmark planning cases based on major prior extreme heat and cold weather events and/or meteorological projections; (2) planning for extreme heat and cold weather events using steady state and transient stability analyses expanded to cover a range of extreme weather scenarios including the expected resource mix's availability during extreme heat and cold weather conditions; and (3) development of corrective action plans that mitigate certain instances where performance requirements for extreme heat and cold weather events are not met.[4]

The FERC–725N information collection requirements are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995. OMB's regulations require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

The Commission solicits comments on the need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained,

[1] 18 CFR 4.34(b)(5)(iii).

[1] Petition at 1.

[2] *Id.* at 16.

[3] *Transmission Sys. Plan. Performance Requirements for Extreme Weather,* Order No. 896, 183 FERC ¶ 61,191 (2023).

[4] *Id.* at P 6.

and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. The Commission bases its paperwork burden estimates on the additional paperwork burden presented by the proposed new Reliability Standard TPL–008–1. The new defined term ''extreme temperature assessment'' is not expected to generate any new burden as it is a definition used within the body of Reliability Standards. Reliability Standards are objective-based and allow entities to choose compliance approaches best tailored to their systems. Additionally, proposed Reliability Standard TPL–008–1, Requirement R1 identifies each responsible entity that shall complete its responsibilities such that the extreme temperature assessment is completed at least once every five calendar years. The NERC Compliance Registry, as of November 20, 2024, identifies unique U.S. entities that are subject to mandatory compliance with proposed Reliability Standard TPL–008–1, as 62 planning coordinators (PC) and 204 transmission planners (TP). Based on these assumptions, we estimate the following reporting burden:

PROPOSED BURDEN TPL–008–1 DOCKET NO. RD25–4

Reliability standard	Type and number of entity [5]	Number of annual responses per entity	Total number of responses	Average number of burden hours per response [6]	Total burden hours
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
Annual Collection TPL–008–1 FERC–725N					
Annual review and record retention.	62 (PC) 204 (TP)	1 1	62 204	88 hrs., $70.67/hrs 56 hrs., $70.67/hrs	5,456 hrs., $385,576. 11,424 hrs., $807,334.
Total for TPL–008–1			266		16,880 hrs., $1,192,910.

The annual responses and burden hours for proposed Reliability Standard TPL–008–1 will be 266 responses: 16,880 hours.

Respondents: Businesses or other for-profit institutions; not-for-profit institutions.

Frequency of Responses: On occasion.

Necessity of the Information: This order approves the Reliability Standard pertaining to transmission system planning performance requirements for extreme temperature events. As discussed above, the Commission proposes to approve proposed Reliability Standard TPL–008–1 pursuant to section 215(d)(2) of the FPA because it establishes transmission system planning performance requirements to help ensure that the Bulk-Power System will operate reliably during extreme heat and extreme cold temperature events.

Internal Review: The Commission has reviewed the proposed Reliability Standard and made a determination that its action is necessary to implement section 215 of the FPA.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08055 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. P–2942–057; P–2984–128]

Presumpscot Hydro LLC and Relevate Power Maine LLC; Notice of Availability of Environmental Assessment

The EA contains Commission staff's analysis of the potential environmental effects of the proposed upgrade to the generating units and construction of a new transformer at the Eel Weir Project and the proposed modifications to the transmission lines at both the Dundee and the Eel Weir projects. The EA also contains alternatives to the proposed action and concludes that the proposed amendment would not constitute a major Federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2942–057 and P–2984–128) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by June 2, 2025.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary,

[5] Number of entities data taken from the NERC compliance registry, dated November 20, 2024.

[6] The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17 − 2071) $79.31/hr., 79.31 × .75 = 59.4825 ($59.48-rounded) ($59.48/hour) and 25% of an Information and Record Clerk (43 − 4199) $44.74/hr., $44.74 × .25% = 11.185 ($11.19 rounded) ($11.19/hour), for a total ($59.48 + $11.19 = $70.67/hour).

Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers P–2942–057 and 2984–128.

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

For further information, contact Jeremy Jessup at 202–502–6779 or *Jeremy.Jessup@ferc.gov.*

Dated: May 2, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–08054 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–12–000]

Commission Information Collection Activity (Ferc–542); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, *FERC–542: Gas Pipeline Rates: Rate Tracking.*

DATES: Comments on the collections of information are due July 7, 2025.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC25–12–000) and the FERC Information Collection number (FERC–542) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search*. Once there, you can also sign-up for automatic notification of activity in this docket.

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6463.

SUPPLEMENTARY INFORMATION:

Title: FERC–542, Gas Pipelines Rates: Rate Tracking.

OMB Control No.: 1902–0070.

Type of Request: Three-year extension of the FERC–542 information collection requirements with no changes to the reporting requirements.

Abstract: The Commission uses FERC–542 filings to verify that costs which are passed through to pipeline customers as rate adjustments are consistent with the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301–3432, and sections 4 and 5 of the Natural Gas Act (NGA), 15 U.S.C. 717c and 717d. These statutory provisions require FERC to regulate the transmission and sale of natural gas for resale in interstate commerce at just and reasonable rates. This collection of information is also in accordance with section 16 of the NGA, 15 U.S.C. 717o, which authorizes FERC to implement the NGA through its rules and regulations.

The regulations at 18 CFR part 154 include provisions that allow an interstate natural gas pipeline to submit filings seeking to:

- Recover research, development and demonstration expenditures (18 CFR 154.401);
- Recover annual charges assessed under 18 CFR part 382 (18 CFR 154.402); and
- Passthrough, on a periodic basis, a single cost or revenue item such as fuel use and unaccounted-for natural gas in kind (18 CFR 154.403).

FERC–542 filings may be submitted at any time or on a regularly scheduled basis in accordance with the pipeline company's tariff. Filings may be: (1) accepted; (2) suspended and set for hearing; (3) minimal suspension; or (4) suspended for further review, such as technical conference or some other type of Commission action. The Commission implements these filing requirements under 18 CFR part 154.

Type of Respondents: Jurisdictional Natural Gas Pipelines.

Estimate of Annual Burden: [1] The Commission estimates the total burden and cost for this information collection as follows:

Type of response	Average annual number of respondents (1)	Average annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per respondent (4) [2]	Total annual burden hours & total annual cost (rounded) (3) * (4) = (5)	Cost per respondent (rounded) (5) ÷ (1)
Request to Recover Costs from Customers.	102	2	204	2 hrs; $206	408 hrs; $42,024	$412

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection;

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. Refer to 5 CFR 1320.3 for additional information.

[2] The Commission staff estimates that the industry's hourly cost for wages plus benefits is similar to the Commission's $103.00 FY 2025 average hourly cost for wages and benefits.

and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: May 2, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–08068 Filed 5–7–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0116; FRL–12764–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Plating and Polishing Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Plating and Polishing Area Sources (EPA ICR Number 2294.07, OMB Control Number 2060–0623) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before June 9, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0116, to EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division, Office of Air Quality Planning and Standard, D243–05, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through May 31, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Plating and Polishing Area Sources (40 CFR part 63, subpart WWWWWW) were proposed on March 14, 2008; promulgated on July 1, 2008; and most-recently amended on both September 19, 2011 and November 19, 2020.[1] These regulations apply to both existing and new plating and polishing facilities that are an area source of hazardous air pollutant (HAP) emissions and that use one or more of the following metal HAP: cadmium, chromium, lead manganese, or nickel (hereafter referred to as the plating and polishing metal HAP).

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. This information is being collected to assure compliance with 40 CFR part 63, subpart WWWWWW.

Form Numbers: None.

Respondents/affected entities: Plating and polishing area source facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart WWWWWW).

Estimated number of respondents: 2,900 (total).

Frequency of response: Annually.

Total estimated burden: 67,700 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $9,270,000 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–08085 Filed 5–7–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

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

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

The public portions of the applications listed below, as well as

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

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

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than June 9, 2025.

A. Federal Reserve Bank of New York (Bank Applications Officer) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Ponce Financial Group, Inc., Bronx, New York;* to become a bank holding company by acquiring Ponce Bank, Bronx, New York, upon the conversion of Ponce Bank from a federal savings bank to a national bank.

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

1. *Chickasaw Banc Holding Company, Oklahoma City, Oklahoma;* to acquire Oklahoma Heritage Bank, Roff, Oklahoma.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–08079 Filed 5–7–25; 8:45 am]

BILLING CODE 6210–01–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 23, 2025.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org*:

1. *Michelle Lynn Ahneman, Eau Claire, Wisconsin;* to acquire control of voting shares of Frandsen Financial Corporation, Arden Hills, Minnesota (Frandsen), by becoming a co-trustee of the Dennis Frandsen 2014 Children's Trust Agreement and the Dennis Frandsen 2015 Grandchildren's Trust Agreement, which own Frandsen, and thereby indirectly own Frandsen Bank & Trust, Lonsdale, Minnesota.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–08082 Filed 5–7–25; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–1107]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—Supplemental Biologics License Application 761309/S–001, for COLUMVI (glofitamab) Injection; Supplemental Biologics License Application 761145/S–029, for DARZALEX FASPRO (daratumumab and hyaluronidase) Injection; New Drug Application 215793, for (mitomycin) Intravesical Solution; Supplemental New Drug Application 211651/S–013, for TALZENNA (talazoparib) Capsules

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 20, 2025, from 8 a.m. to 5 p.m. and May 21, 2025, from 8 a.m. to 5 p.m. Eastern Time.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. #1503), Silver Spring, MD 20993–0002. The public will also have the option to participate, and the advisory committee meeting will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform.

Answers to commonly asked questions about FDA advisory committee meetings, including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/*

AboutAdvisoryCommittees/ucm408555.htm.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2025–N–1107. The docket will close on May 23, 2025. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 23, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before May 13, 2025, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–1107 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—Supplemental Biologics License Application 761309/S–001, for COLUMVI (glofitamab) Injection; Supplemental Biologics License Application 761145/S–029, for DARZALEX FASPRO (daratumumab and hyaluronidase) Injection; New Drug Application 215793, for (mitomycin) Intravesical Solution; Supplemental New Drug Application 211651/S–013, for TALZENNA (talazoparib) Capsules.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Jessica Seo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7699, email: *ODAC@fda.hhs.gov* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION: *Agenda:* The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform.

On the morning of May 20, 2025, the Committee will discuss supplemental biologics license application (sBLA) 761309/S–001, for COLUMVI (glofitamab) injection, submitted by Genentech, Inc. The proposed indication (use) is in combination with gemcitabine and oxaliplatin for the treatment of adult patients with relapsed or refractory diffuse large B-cell lymphoma, not otherwise specified (DLBCL, NOS) who are not candidates for autologous stem cell transplant (ASCT).

On the afternoon of May 20, 2025, the Committee will discuss sBLA 761145/S–029, for DARZALEX FASPRO (daratumumab and hyaluronidase) injection, for subcutaneous use, submitted by Janssen Biotech, Inc. The proposed indication (use) is as monotherapy for the treatment of adult patients with high-risk smoldering multiple myeloma (SMM).

On the morning of May 21, 2025, the Committee will discuss new drug application (NDA) 215793, for (mitomycin) intravesical solution, submitted by UroGen Pharma, Inc. The

proposed indication (use) is for the treatment of adult patients with low-grade intermediate-risk non-muscle invasive bladder cancer (LG–IR–NMIBC).

On the afternoon of May 21, 2025, the Committee will discuss supplemental new drug application (sNDA) 211651/S–013, for TALZENNA (talazoparib) capsules, submitted by Pfizer Inc. The proposed indication (use) is in combination with enzalutamide for the treatment of adult patients with metastatic castration-resistant prostate cancer (mCRPC).

FDA regrets that it was unable to publish this notice 15 days prior to the Oncologic Drugs Advisory Committee meeting due to technical issues. Because there is a need for an immediate meeting of the Committee, including the time-sensitive need for input and public discussion on the meeting subject, and because qualified members of the committee were available at this time and scheduled to participate in the meeting, the Agency concluded that there are exceptional circumstances that support holding this meeting without the customary 15-day public notice.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material will be available at the location of the advisory committee meeting and at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions to the Docket (see **ADDRESSES**) on or May 13, 2025, will be provided to the Committee. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11 a.m. and 3:25 p.m. to 3:55 p.m. Eastern Time on May 20, 2025, and between approximately 10:30 a.m. to 11 a.m. and 3:30 p.m. to 4 p.m. Eastern Time on May 21, 2025. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, whether they would like to present online or in-person, and an indication of the approximate time requested to make their presentation on or before May 12, 2025. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. Similarly, room for interested persons to participate in-person may be limited. If the number of registrants requesting to speak in-person during the open public hearing is greater than can be reasonably accommodated in the venue for the in-person portion of the advisory committee meeting, FDA may conduct a lottery to determine the speakers who will be invited to participate in-person. The contact person will notify interested persons regarding their request to speak by May 13, 2025. Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jessica Seo (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to § 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform in conjunction with the physical meeting room (see location). This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. The conditions for issuance of a waiver under § 10.19 are met.

Dated: May 2, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–08060 Filed 5–7–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–0419]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Reporting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collections associated with requirements for medical device reporting for user facilities, manufacturers, importers, and distributors of medical devices.

DATES: Either electronic or written comments on the collection of information must be submitted by July 7, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of July 7, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to

the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–0419 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Reporting.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR/2015/09/18/pdf/2015/23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Device Reporting—21 CFR Part 803

OMB Control Number 0910–0437—Revision

This information collection supports Food and Drug Administration (FDA) regulations, programs, forms, and guidance. Section 519 of the Federal Food Drug and Cosmetic Act (the FD&C Act) (21 U.S.C. 360i) (Records and Reports on Devices) requires user facilities, manufacturers, and importers of medical devices to report adverse events involving medical devices to FDA and requires that medical device manufacturers and importers submit medical device reports (MDRs) electronically. These provisions are codified at part 803 (21 CFR part 803)—Medical Device Reporting. The regulations also provide for recordkeeping requirements and certain exemptions and alternative reporting. Additionally, the regulations permit user facilities to submit paper-based annual reports, for which we have provided form FDA 3419 entitled, ''Medical Device Reporting Annual User Facility Report.''

Respondents are required to report adverse events involving medical devices to the FDA. The information that is obtained from these reports will be used to evaluate risks associated with medical devices and enable FDA to take appropriate regulatory measures to protect the public health. Complete, accurate, and timely adverse event information is necessary for the identification of emerging device problems so the agency can protect the public health under section 519 of the FD&C Act. FDA makes the releasable information available to the public for downloading on its website (*https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfmaude/search.cfm*).

In an effort at reducing burden, we have developed the Voluntary Malfunction Summary Reporting (VMSR) Program for certain devices, which allows for respondent reporting of multiple malfunction events in a single report on a quarterly basis. The

VMSR Program was established under section 519(a)(1)(B)(ii) of the FD&C Act. The associated FDA notification and order granting alternative entitled, ''Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers'' (83 FR 40973; 8/17/2018; *https://www.federalregister.gov/documents/2018/08/17/2018-17770/medical-devices-and-device-led-combination-products-voluntary-malfunction-summary-reporting-program*) grants an alternative under § 803.19 to permit manufacturer reporting of certain device malfunctions in summary form on a quarterly basis. The associated FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024; *https://www.fda.gov/media/163692/download*) is intended to help manufacturers better understand and use the VMSR Program.

The final order ''Microbiology Devices; Reclassification of Human Immunodeficiency Virus Serological Diagnostic and Supplemental Tests and Human Immunodeficiency Virus Nucleic Acid Diagnostic and Supplemental Tests'' (May 16, 2022; 87 FR 29661) established special controls for certain Human Immunodeficiency Virus (HIV) serological diagnostic and supplemental tests (21 CFR 866.3956) and for HIV nucleic acid tests (NATs) diagnostic and supplemental tests (21 CFR 866.3957) to support their classification into class II, including submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional premarket notification (510(k)) submission for these devices. (Information collections associated with premarket notification (510(k)) are approved under OMB control number 0910–0120.)

Earlier notification through the submission of the complaint log enables us to more promptly determine whether public health issues have been adequately addressed. The agency would not otherwise evaluate the kind of complaint information that would be included in the log until an FDA inspection, which typically occurs less frequently than annually. Implementing these specific reporting measures as part of the special controls for these devices is necessary to provide a reasonable assurance of safety and effectiveness for HIV diagnostic and supplemental tests subject to the reclassification order.

Provisions of part 4 subpart B (21 CFR part 4, subpart B), provide that when information regarding an event that involves a death or serious injury, or an adverse event, associated with the use of a combination product is received by the product sponsor, the information must be provided to the other constituent part applicant(s) no later than 5 calendar days after receipt. Part 4 also explains how and where to submit reports and provides for associated recordkeeping. These requirements are described in part 803.

Respondents are manufacturers and importers of medical devices and device user facilities. Device user facility means a hospital, ambulatory surgical facility, nursing home, outpatient diagnostic facility, or outpatient treatment facility as defined in § 803.3, which is not a physician's office (also defined in § 803.3). Respondents are also sponsors (manufacturers) of device-led combination products (see part 4, subpart B). Respondents also include manufacturers of HIV diagnostic and supplemental test devices.

Manufacturer and importer respondents submit reports electronically using FDA Form 3500A (approved under OMB control number 0910–0291) via either ''eSubmitter'' for low-volume reporters or Health Level Seven (HL7) Individual Case Study Report (ICSR) (HL7 ICSR) for high-volume reporters. User facilities reporting under §§ 803.30 and 803.32 have the option of electronic or paper-based reporting. User facility annual reporting under § 803.33 is paper based, using form FDA 3419. Instructions for submitting the information are available in §§ 803.11, 803.12, and 803.20, and on FDA's public website at *https://www.fda.gov/medical-devices/postmarket-requirements-devices/mandatory-reporting-requirements-manufacturers-importers-and-device-user-facilities* (links to forms FDA 3500A and FDA 3419 are provided on the web page).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity/CFR section	FDA form Number	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [1]	Total capital costs	Total operating and maintenance costs
21 CFR Part 803 ''Medical Device Reporting,'' 21 CFR Part 4, subpart B ''Postmarketing Safety Reporting for Combination Products,'' and FDA notification; order granting alternative entitled, ''Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers''								
Exemptions—803.19		28	1	28	1	28		
User Facility Reporting—803.30 and 803.32.	FDA 3500A	296	18.99	5,621	0.35	1,967		
User Facility Annual Reporting—803.33.	FDA 3419	82	1	82	1	82		
Importer Reporting, Death and Serious Injury—803.40 and 803.42.	FDA 3500A	144	1,034.604	148,983	1	148,983		
Manufacturer Reporting—803.50 through 803.53.	FDA 3500A	1,871	1,240.1887	2,320,393	0.10	232,039		$18,710
Voluntary Malfunction Summary Reporting Program.	FDA 3500A	44	56.88	2,503	0.10	250		
Supplemental Reports—803.56.	FDA 3500A	1,501	684.604	1,027,591	0.10	102,759		

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN—Continued

Activity/CFR section	FDA form Number	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [1]	Total capital costs	Total operating and maintenance costs
21 CFR 866.3956 ''Human immunodeficiency virus (HIV) serological diagnostic and/or supplemental test'' and 866.3957 ''Human immunodeficiency virus (HIV) nucleic acid (NAT) diagnostic and/or supplemental test''								
Special controls: submission of complaint log; 866.3956(b)(1)(iii) and 866.3957(b)(1)(iii).	.....	10	1	10	3	30	.....	.....
Total	.....	.....	.....	3,505,201	.....	486,138	.....	18,710

[1] Numbers are rounded.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours [2]
MDR Procedures—803.17	1,871	1	1,871	3.3	6,174
MDR Files—803.18	1,871	1	1,871	1.5	2,807
Total	.....	.....	3,742	.....	8,981

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers are rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours [2]
Importer Reporting, Death and Serious Injury—803.40 and 803.42	144	1,034.60	148,983	0.35	52,144

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers are rounded.

Upon review of this information collection, we updated the burden estimates based on internal data regarding MDRs received by FDA for fiscal year (FY) 2024. Device-led combination product reporting and disclosure under part 4, subpart B, are included in the burden estimates. Based on FY2024 data for ''Manufacturer Reporting 803.50 through 803.53,'' we estimate 1,871 respondents and 2,320,393 total annual responses.

The FDA notification and order granting alternative entitled, ''Medical Devices and Device-led Combination Products; Voluntary Malfunction Summary Reporting Program for Manufacturers'' grants an alternative under § 803.19 to permit manufacturer reporting of certain device malfunctions in summary form on a quarterly basis. The associated FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024) is intended to help manufacturers better understand and use the VMSR Program. The Voluntary Malfunction Summary Reporting (VMSR) Program does not apply to reportable death or serious injury events, which are required to be reported to FDA within the mandatory 30-calendar day timeframe, under §§ 803.50 and 803.52, or within the 5-work day timeframe under § 803.53. Thus, if a manufacturer participating in the program becomes aware of information reasonably suggesting that a device it markets may have caused or contributed to a death or serious injury, then the manufacturer must submit an individual MDR for that event because it involves a reportable death or serious injury. We expect that a summary report will take approximately the same amount of time to prepare as an individual report.

Unlike manufacturers, device user facilities are not required to submit malfunction reports under part 803. User facilities, such as hospitals or nursing homes, are required to submit MDRs to FDA and/or the manufacturer only for reportable death or serious injury events. (See section 519(b) of the FD&C Act; 21 CFR 803.30(a).) We believe that by permitting alternative reporting for certain devices, the VMSR Program may reduce burden on respondents who elect to participate and are otherwise subject to mandatory requirements.

Special controls established in the final order ''Microbiology Devices; Reclassification of Human Immunodeficiency Virus Serological Diagnostic and Supplemental Tests and Human Immunodeficiency Virus Nucleic Acid Diagnostic and Supplemental Tests'' to support the class II classification of certain HIV serological diagnostic and supplemental tests (21 CFR 866.3956) and for HIV NATs diagnostic and supplemental tests (21 CFR 866.3957) require the submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional premarket notification (510(k)) submission for these devices. (Information collections associated with premarket notification (510(k)) are approved under OMB control number 0910–0120.) Although manufacturers of HIV serological diagnostic and supplemental tests and HIV NAT diagnostic and supplemental tests are already required to maintain complaint files and to review and evaluate complaints for these devices under 21

CFR 820.198, special controls are necessary to provide a reasonable assurance of safety and effectiveness of these devices. (Information collections associated with Quality System requirements under 21 CFR part 820 are approved under OMB control number 0910–0073.) We estimate it will take a manufacturer approximately 3 hours annually to review their existing records, prepare the complaint log, and submit to FDA.

We assume a cost of $10 associated with the payment of an annual fee to maintain e-certification will apply to each respondent. We estimate a total operating and maintenance cost of $18,710 ($10 × 1,871 respondents).

Since the last OMB approval, we have adjusted the respondent and response estimates based on FY 2024 data. We also adjusted the Average Burden per Response for ''Exemptions—803.19'' and ''Importer Reporting, Death and Serious Injury—803.40 and 803.42'' from 0.1 hour to 1 hour to correct an error introduced in a previous request for extension of this information collection. These adjustments have resulted in an overall increase of 1,374,708 total responses, and a corresponding increase of 262,681 total burden hours.

We are revising this information collection to add the FDA guidance entitled ''Voluntary Malfunction Summary Reporting (VMSR) Program for Manufacturers'' (August 2024; *https://www.fda.gov/media/163692/download*), which is intended to help manufacturers better understand and use the VMSR Program. The guidance does not affect the estimated burden estimates.

Dated: May 5, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–08086 Filed 5–7–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–1146]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments—2025–2026 Formula for COVID–19 Vaccines for Use in the United States

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The committee will meet in an open session to discuss and make recommendations on the selection of the 2025–2026 Formula for COVID–19 vaccines for use in the United States. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on May 22, 2025, from 8:30 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform. The online web conference meeting will be available on the day of the meeting by visiting *https://www.fda.gov/advisory-committees.*

Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/advisory-committees/about-advisory-committees/common-questions-and-answers-about-fda-advisory-committee-meetings.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2025–N–1146. The docket will close on May 23, 2025. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 23, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before noon by May 14, 2025, will be provided to the committee. Comments received after May 14 and by May 23, 2025 will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand Delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–N–1146 for ''Vaccines and Related Biological Products Advisory Committee''; Notice of Meeting; Establishment of a Public Docket; Request for Comments—2025–2026 formula for COVID–19 vaccines for use in the United States.''

Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the

information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: CDR Valerie Marshall, MPH, PMP, USPHS, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993–0002, 202–657–8533 *CBERVRBPAC@fda.hhs.gov* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572) in the Washington, DC area. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION: *Agenda:* The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On May 22, 2025, the Committee will meet in open session to discuss and make recommendations on the selection of the 2025–2026 Formula for COVID–19 vaccines for use in the United States. FDA regrets that it was unable to publish this notice 15 days prior to the Vaccines and Related Biological Products Advisory Committee meeting due to technical issues. Because there is a need for an immediate meeting of the Committee, including the time-sensitive need for input and public discussion on the meeting subject, and because qualified members of the committee were available at this time and scheduled to participate in the meeting, the Agency concluded that there are exceptional circumstances that support holding this meeting without the customary 15-day public notice.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at: *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: On May 22, 2025, from 8:30 a.m. to 4:30 p.m. Eastern Time the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) by noon of May 14, 2025, will be provided to the committee. Comments received after May 14 and by May 21, 2025, will be taken into consideration by FDA. Oral presentations from the public will be scheduled between approximately 1:00 p.m. to 2:00 p.m. Eastern Time on May 22, 2025. Those individuals interested in making formal oral presentations should complete the online survey *https://qualtricsxmjqffz4ktl.qualtrics.com/jfe/form/SV_dnXIVPWod1OPwdU* and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with their names, email addresses, and direct contact phone numbers of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on May 14, 2025. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 16, 2025.

For press inquiries, please contact the HHS Press Room at *www.hhs.gov/press-room/index.html* or 202–690–6343.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact CDR Valerie Marshall, MPH, PMP, USPHS at *CBERVRBPAC@fda.hhs.gov* at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. No participant will be prejudiced by this waiver, and that the ends of justice will be served by allowing for this modification to FDA's advisory committee meeting procedures.

Dated: May 5, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–08083 Filed 5–7–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R7–ES–2024–0204; FXES111607MRG01–256–FF07CAMM00]

Marine Mammals; Incidental Take During Specified Activities; Proposed Incidental Harassment Authorization for Southwest Alaska Stock of Northern Sea Otters in Kodiak, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application; proposed incidental harassment authorization; draft environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, in response to a request under the Marine Mammal Protection Act of 1972, as amended, from Trident Seafoods Corporation, propose to authorize nonlethal incidental take by harassment of small numbers of the Southwest Alaska stock of northern sea otters (*Enhydra lutris kenyoni*) for 1 year from the date of issuance of the incidental harassment authorization. The applicant requested this authorization for take by harassment that may result from activities associated with pile driving and marine construction activities in Near Island Channel in Kodiak, Alaska. We estimate that this project may result in the nonlethal incidental take by harassment of up to 460 northern sea otters from the Southwest Alaska stock. This proposed authorization, if finalized, will be for up to 3,160 takes of 460 northern sea otters by Level B harassment. No take by Level A harassment or lethal take are requested, or expected, and no such take will be authorized.

DATES: Comments on this proposed incidental harassment authorization and the accompanying draft environmental assessment must be received by June 9, 2025.

ADDRESSES:

Accessing documents: You may view this proposed incidental harassment authorization, the application package, supporting information, draft environmental assessment, and the list of references cited herein at *https://www.regulations.gov* under Docket No. FWS–R7–ES–2024–0204. Alternatively, you may request these documents from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Submitting comments: You may submit comments on the proposed authorization by one of the following methods:

- *Internet: https://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R7–ES–2024–0204.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R7–ES–2024–0204, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.
- We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. See Request for Public Comments for more information.

FOR FURTHER INFORMATION CONTACT: Stephanie Burgess, by email at *R7mmmregulatory@fws.gov;* or by telephone at 907–786–3800. 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:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 *et seq.*) authorizes the Secretary of the Interior (Secretary) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals in response to requests by U.S. citizens (as defined in title 50 of the Code of Federal Regulations (CFR) in part 18, at 50 CFR 18.27(c)) engaged in a specified activity (other than commercial fishing) in a specified geographic region during a period of not more than 1 year. The Secretary has delegated authority for implementation of the MMPA to the U.S. Fish and Wildlife Service (''FWS'' or ''we''). According to the MMPA, the FWS shall allow this incidental taking if we make findings that the total of such taking for the 1-year period:

(1) is of small numbers of marine mammals of a species or stock;

(2) will have a negligible impact on such species or stocks; and

(3) will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence use by Alaska Natives.

If the requisite findings are made, we issue an authorization that sets forth the following, where applicable:

(a) permissible methods of taking;

(b) means of effecting the least practicable adverse impact on the species or stock and its habitat and the availability of the species or stock for subsistence uses; and

(c) requirements for monitoring and reporting of such taking by harassment, including, in certain circumstances, requirements for the independent peer review of proposed monitoring plans or other research proposals.

The term ''take'' means to harass, hunt, capture, or kill, or to attempt to harass, hunt, capture, or kill any marine mammal. ''Harassment'' means any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (the MMPA defines this as ''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 (the MMPA defines this as ''Level B harassment'').

The terms ''negligible impact'' and ''unmitigable adverse impact'' are defined in 50 CFR 18.27 (*i.e.,* regulations governing small takes of marine mammals incidental to specified activities) as follows: ''Negligible impact'' is 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. ''Unmitigable adverse impact'' means an impact resulting from the specified activity: (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The term ''small numbers'' is also defined in 50 CFR 18.27. However, we do not rely on that definition here as it conflates ''small numbers'' with ''negligible impacts.'' We recognize ''small numbers'' and ''negligible impacts'' as two separate and distinct considerations when reviewing requests for incidental harassment authorizations (IHA) under the MMPA (see *Natural Res. Def. Council, Inc.* v. *Evans,* 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2003)). Instead, for our small numbers determination, we estimate the likely

number of marine mammals to be taken and evaluate if that number is small relative to the size of the species or stock.

The term ''least practicable adverse impact'' is not defined in the MMPA or its enacting regulations. For this IHA, we ensure the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of project activities, but they are not so restrictive as to make project activities unduly burdensome or impossible to undertake and complete.

If the requisite findings are made, we shall issue an IHA, which may set forth the following, where applicable: (i) permissible methods of taking; (ii) 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 subsistence uses by coastal-dwelling Alaska Native people (if applicable); and (iii) requirements for monitoring and reporting take by harassment.

Summary of Request

On November 6, 2024, Trident Seafoods Corporation (hereafter ''Trident'' or ''the applicant'') submitted an adequate and complete request to the FWS for authorization to take by Level B harassment a small number of northern sea otters (*Enhydra lutris kenyoni*) (hereafter ''sea otters'' or ''otters'' unless another species is specified) from the Southwest Alaska stock. The specified activity is the repair and construction of their crew bunkhouse and associated facilities in Near Island Channel at Kodiak, Alaska. The FWS proposed (89 FR 4970) and subsequently finalized an IHA for this project in January and February of 2024, respectively. The IHA was valid from March 1, 2024, to February 28, 2025. However, no work was completed during that period; therefore, Trident Seafoods has requested a new IHA for this same work to be conducted between March 1, 2025, and February 28, 2026. Trident expects take by harassment may occur during the specified activity.

Description of Specified Activities and Specified Geographic Region

The specified activity (hereafter ''project'') will include installation and removal of piles for the construction of a ~46-by-23-meter (m) (~150-by-75-foot (ft)) dock at Trident's crew bunkhouse in Kodiak, Alaska (see figure 1), between March 2025 and March 2026. Trident will remove sixty 41-centimeter (cm) (16-inch (in)) diameter steel piles, seventy-five 36-cm (14-in) steel piles, and 100 36-cm (14-in) timber piles, and will permanently install the following types of piles: twenty-six 41-cm (16-in) and fifty-two 61-cm (24-in) diameter steel piles. Twenty 61-cm (24-in) diameter steel piles will be temporarily installed. Dock components that will be installed out of water include bull rail, fenders, mooring cleat, pre-cast concrete dock surface, and mast lights. Pile-driving activities will occur over 55 nonconsecutive days for approximately 94 hours during the course of 1 year from the date of issuance of the IHA. If the IHA is issued after Trident's intended start date in March 2025, the schedule for conducting the specified activities may be adjusted accordingly. Pile installation will be done with a combination of vibratory and down-the-hole (DTH) drilling. Temporary and extant piles will be removed by the deadpull method; it is anticipated that up to 10 percent of piles may require vibratory removal. Materials and equipment will be transported via barges, and workers will be transported to and from the barge work platform via skiff.

Additional project details may be reviewed in the application materials available as described under **ADDRESSES** or may also be requested as described under **FOR FURTHER INFORMATION CONTACT**.

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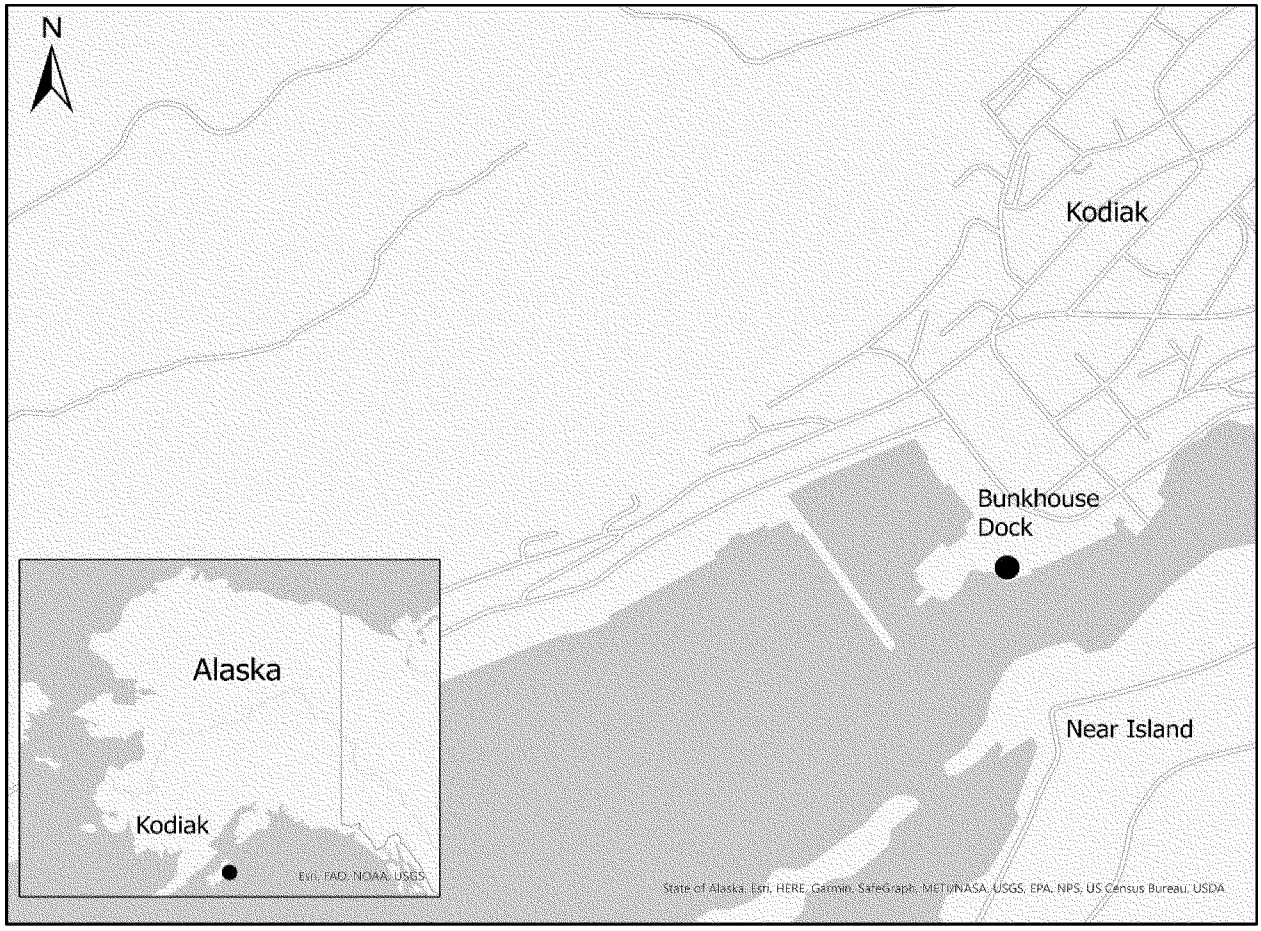

Figure 1—Specified geographic region of project

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Description of Marine Mammals in the Specified Geographic Region

Sea Otter Biology

There are three sea otter stocks in Alaska: the Southeast Alaska stock, the Southcentral Alaska stock, and the Southwest Alaska stock. Only the Southwest Alaska stock is represented in the project area. Detailed information about the biology of this stock can be found in the most recent Southwest Alaska revised stock assessment report (USFWS 2023), announced in the **Federal Register** at 88 FR 53510, August 8, 2023, and also available at *https://www.regulations.gov/document/FWS-R7-ES-2022-0155-0012* and *https://www.fws.gov/media/northern-sea-otter-southwest-alaska-stock-assessment-report-0.*

Sea otters may be distributed anywhere within the specified project area other than upland areas; however, they generally occur in shallow water near the shoreline. They are most commonly observed within the 40-m (131-ft) depth contour (USFWS 2023), although they can also be found in areas with deeper water. Ocean depth is generally correlated with distance to shore, and sea otters typically remain within 1 to 2 kilometers (km) (0.62 to 1.24 miles (mi)) of shore (Riedman and Estes 1990). They tend to be found closer to shore during storms but venture farther out during good weather and calm seas (Lensink 1962; Kenyon 1969).

Sea otters are nonmigratory and generally do not disperse over long distances (Garshelis and Garshelis 1984), usually remaining within a few kilometers of their established feeding grounds (Kenyon 1981). Breeding males stay for all or part of the year in a breeding territory covering up to 1 km (0.62 mi) of coastline, while adult females maintain home ranges of approximately 8 to 16 km (5 to 10 mi), which may include one or more male territories. Juveniles move greater distances between resting and foraging areas (Lensink 1962; Kenyon 1969; Riedman and Estes 1990; Tinker and Estes 1996). Although sea otters generally remain local to an area, they are capable of long-distance travel. Sea otters in Alaska have shown daily movement distances greater than 3 km (1.9 mi) at speeds up to 5.5 km per hour (3.4 mi per hour) (Garshelis and Garshelis 1984).

Southwest Alaska Sea Otter Stock

The Southwest Alaska sea otter stock occurs from western Cook Inlet to Attu Island in the Aleutian chain (USFWS 2023). On August 9, 2005, the Southwest Alaska sea otter stock was listed as threatened under the Endangered Species Act (ESA) as a distinct population segment (DPS) (70 FR 46366). This stock is divided into five management units: Western Aleutians; Eastern Aleutians; South Alaska Peninsula; Bristol Bay; and Kodiak, Kamishak, and Alaska Peninsula (USFWS 2013, 2023). The specified geographic region occurs within the ranges of the Kodiak, Kamishak, and Alaska Peninsula management units.

The range of the Kodiak, Kamishak, and Alaska Peninsula management unit extends from Castle Cape to Western

Cook Inlet on the southern side of the Alaska Peninsula and also encompasses Kodiak Island (USFWS 2020). The specified geographic region is within the range of the sea otter population at Kodiak Archipelago. Waters surrounding Kodiak Island were surveyed in 2014 using the Bodkin-Udevitz aerial survey protocol (Cobb 2018). The estimate of sea otter density that resulted from these surveys is 2.54 animals per square kilometer (km^2). Data collected by ABR, Inc.—Environmental Research & Services during work at the Kodiak ferry terminal (ABR 2016) indicate periods with presence of higher numbers of sea otters, occasionally with rafts of above 200 animals and daily counts of sea otters totaling over 450 individuals. It is likely that sea otters use Near Island Channel, which is relatively protected in comparison with the surrounding coastline, for shelter during storm events.

Potential Impacts of the Specified Activities on Marine Mammals

Effects of Noise on Sea Otters

We characterized ''noise'' as sound released into the environment from human activities that exceeds ambient levels or interferes with normal sound production or reception by sea otters. The terms ''acoustic disturbance'' or ''acoustic harassment'' are disturbances or harassment events resulting from noise exposure. Potential effects of noise exposure are likely to depend on the distance of the sea otter from the sound source, the level and intensity of sound the sea otter receives, background noise levels, noise frequency, noise duration, and whether the noise is pulsed or continuous. The actual noise level perceived by individual sea otters will also depend on whether the sea otter is above or below water and atmospheric and environmental conditions. Temporary disturbance of sea otters or localized displacement reactions are the most likely effects to occur from noise exposure.

Sea Otter Hearing

Pile driving and marine construction activities will fall within the hearing range of sea otters. Controlled sound exposure trials on southern sea otters (*Enhydra lutris nereis*) indicate that sea otters can hear frequencies between 125 hertz (Hz) and 38 kilohertz (kHz), with best sensitivity between 1.2 and 27 kHz (Ghoul and Reichmuth 2014). Aerial and underwater audiograms for a captive adult male southern sea otter in the presence of ambient noise suggest the sea otter's hearing was less sensitive to high-frequency (greater than 22 kHz) and low-frequency (less than 2 kHz) sound than terrestrial mustelids but was similar to that of a California sea lion (*Zalophus californianus*). However, the sea otter was still able to hear low-frequency sounds, and the detection thresholds for sounds between 0.125–1 kHz were between 116–101 decibels (dB), respectively. Dominant frequencies of southern sea otter vocalizations are between 3 and 8 kHz, with some energy extending above 60 kHz (McShane et al. 1995; Ghoul and Reichmuth 2012).

Exposure to high levels of sound may cause changes in behavior, masking of communications, temporary or permanent changes in hearing sensitivity, discomfort, and injury to marine mammals. Unlike other marine mammals, sea otters do not rely on sound to orient themselves, locate prey, or communicate under water; therefore, masking of communications by anthropogenic sound is less of a concern than for other marine mammals. However, sea otters, especially mothers and pups, do use sound for communication in air (McShane et al. 1995), and sea otters may monitor underwater sound to avoid predators (Davis et al. 1987).

Exposure Thresholds

Underwater Sounds

Noise exposure criteria for identifying underwater noise levels capable of causing Level A harassment to marine mammal species, including sea otters, have been established using the same methods as those used by the National Marine Fisheries Service (NMFS 2018; Southall et al. 2019). These criteria are based on estimated levels of sound exposure capable of causing a permanent shift in sensitivity of hearing (*i.e.,* a permanent threshold shift (PTS) (NMFS 2018)). PTS occurs when noise exposure causes hairs within the inner ear system to die (Ketten 2012). Although the effects of PTS are, by definition, permanent, PTS does not equate to total hearing loss. In 2024, NMFS adopted criteria incorporating forms of auditory injury other than hair cell death and PTS (NMFS 2024). The FWS is currently evaluating these new criteria to determine whether they may be appropriate for FWS-managed species. In the interim, the FWS will continue to use the 2020 criteria for sounds capable of causing Level A harassment.

Sound exposure thresholds incorporate two metrics of exposure: the peak level of instantaneous exposure likely to cause PTS and the cumulative sound exposure level (SEL_{CUM}) during a 24-hour period. They also include weighting adjustments for the sensitivity of different species to varying frequencies. PTS-based injury criteria were developed from theoretical extrapolation of observations of temporary threshold shifts (TTS) detected in lab settings during sound exposure trials (Finneran 2015). Southall and colleagues (2019) predict PTS for sea otters, which are included in the ''other marine carnivores'' category, will occur at 232 dB peak or 203 dB SEL_{CUM} for impulsive underwater sound and 219 dB SEL_{CUM} for non-impulsive (continuous) underwater sound.

Thresholds based on TTS have been used as a proxy for Level B harassment (*i.e.,* 70 FR 1871, January 11, 2005; 71 FR 3260, January 20, 2006; 73 FR 41318, July 18, 2008). Southall et al. (2007) derived TTS thresholds for pinnipeds (walruses, seals, and sea lions) based on 212 dB peak and 171 dB SEL_{CUM}. Exposures resulting in TTS in pinnipeds were found to range from 152 to 174 dB (183 to 206 dB SEL) (Kastak et al. 2005), with a persistent TTS, if not a PTS, after 60 seconds of 184 dB SEL (Kastak et al. 2008). Kastelein et al. (2012) found small but statistically significant TTS at approximately 170 dB SEL (136 dB, 60 minutes) and 178 dB SEL (148 dB, 15 minutes). Based on these findings, Southall et al. (2019) developed TTS thresholds for sea otters, which are included in the ''other marine carnivores'' category, of 188 dB SEL_{CUM} for impulsive sounds and 199 dB SEL_{CUM} for non-impulsive sounds.

The NMFS (2018) criteria do not identify thresholds for avoidance of Level B harassment. For pinnipeds (seals and sea lions), NMFS has adopted a 160-dB threshold for Level B harassment from exposure to impulsive noise and a 120-dB threshold for continuous noise (NMFS 1998, HESS 1999, NMFS 2018). These thresholds were developed from observations of mysticete (baleen) whales responding to airgun operations (*e.g.,* Malme et al. 1983; Malme and Miles 1983; Richardson et al. 1986, 1995) and from equating Level B harassment with noise levels capable of causing TTS in lab settings. Southall et al. (2007, 2019) assessed behavioral response studies and found considerable variability among pinnipeds. The authors determined that exposures between approximately 90 to 140 dB generally do not appear to induce strong behavioral responses from pinnipeds in water. However, they found behavioral effects, including avoidance, become more likely in the range between 120 to 160

dB, and most marine mammals showed some, albeit variable, responses to sound between 140 to 180 dB. Wood et al. (2012) adapted the approach identified in Southall et al. (2007) to develop a probabilistic scale for marine mammal taxa at which 10 percent, 50 percent, and 90 percent of individuals exposed are assumed to produce a behavioral response. For many marine mammals, including pinnipeds, these response rates were set at sound pressure levels of 140, 160, and 180 dB, respectively.

We have evaluated these thresholds and determined that the Level B threshold of 120 dB for non-impulsive noise is not applicable to sea otters. The 120-dB threshold is based on studies in which gray whales (*Eschrichtius robustus*) were exposed to experimental playbacks of industrial noise (Malme et al. 1983; Malme and Miles 1983). During these playback studies, southern sea otter responses to industrial noise were also monitored (Riedman 1983, 1984). Gray whales exhibited avoidance to industrial noise at the 120-dB threshold; however, there was no evidence of disturbance reactions or avoidance in southern sea otters. Thus, given the different range of frequencies to which sea otters and gray whales are sensitive, the NMFS 120-dB threshold based on gray whale behavior is not appropriate for predicting sea otter behavioral responses, particularly for low-frequency sound.

Based on the lack of sea otter disturbance response or any other reaction to the playback studies from the 1980s, as well as the absence of a clear pattern of disturbance or avoidance behaviors attributable to underwater sound levels up to about 160 dB resulting from low-frequency broadband noise, we assume 120 dB is not an appropriate behavioral response threshold for sea otters exposed to continuous underwater noise.

Based on the best available scientific information about sea otters, and closely related marine mammals when sea otter data are limited, the FWS has set 160 dB of received underwater sound as a threshold for Level B harassment by disturbance for sea otters for this proposed IHA. Exposure to unmitigated in-water noise levels between 125 Hz and 38 kHz that are greater than 160 dB—for both impulsive and non-impulsive sound sources—will be considered by the FWS as Level B harassment. Thresholds for Level A harassment (which entails the potential for injury) will be 232 dB peak or 203 dB SEL_{CUM} for impulsive sounds and 219 dB SEL_{CUM} for continuous sounds (table 1).

Airborne Sounds

The NMFS (2018) guidance neither addresses thresholds for preventing injury or disturbance from airborne noise, nor provides thresholds for avoidance of Level B harassment. Southall et al. (2007) suggested thresholds for PTS and TTS for sea lions exposed to nonpulsed airborne noise of 172.5 and 159 dB re (20 μPa)^2-s SEL. Conveyance of underwater noise into the air is of little concern since the effects of pressure release and interference at the water's surface reduce underwater noise transmission into the air. For activities that create both in-air and underwater sounds, we will estimate take based on parameters for underwater noise transmission. Considering sound energy travels more efficiently through water than through air, this estimation will also account for exposures to sea otters at the surface.

TABLE 1—TEMPORARY THRESHOLD SHIFT (TTS) AND PERMANENT THRESHOLD SHIFT (PTS) THRESHOLDS ESTABLISHED BY SOUTHALL ET AL. (2019) THROUGH MODELING AND EXTRAPOLATION FOR ''OTHER MARINE CARNIVORES,'' WHICH INCLUDES SEA OTTERS

	TTS			PTS		
	Non-impulsive	Impulsive		Non-impulsive	Impulsive	
	SEL_{CUM}	SEL_{CUM}	Peak SPL	SEL_{CUM}	SEL_{CUM}	Peak SPL
Air	157	146	170	177	161	176
Water	199	188	226	219	203	232

Note: Values are weighted for other marine carnivores' hearing thresholds and given in cumulative sound exposure level (SEL_{CUM} dB re (20 micropascal (μPa) in air and SEL_{CUM} dB re 1 μPa in water) for impulsive and non-impulsive sounds and unweighted peak sound pressure level (SPL) in air (dB re 20μPa) and water (dB 1μPa) (impulsive sounds only).

Evidence From Sea Otter Studies

Sea otters may be more resistant to the effects of sound disturbance and human activities than other marine mammals. For example, observers have noted no changes from southern sea otters in regard to their presence, density, or behavior in response to underwater sounds from industrial noise recordings at 110 dB and a frequency range of 50 Hz to 20 kHz and airguns, even at the closest distance of 0.5 nautical miles (<1 km or 0.6 mi) (Riedman 1983). Southern sea otters did not respond noticeably to noise from a single 1,638 cubic centimeters (cm^3) (100 cubic inches [in^3]) airgun, and no sea otter disturbance reactions were evident when a 67,006 cm^3 (4,089 in^3) airgun array was as close as 0.9 km (0.6 mi) to sea otters (Riedman 1983, 1984). However, southern sea otters displayed slight reactions to airborne engine noise (Riedman 1983).

Northern sea otters were observed to exhibit a limited response to a variety of airborne and underwater sounds, including a warble tone, sea otter pup calls, calls from killer whales (*Orcinus orca*) (which are predators to sea otters), air horns, and an underwater noise harassment system designed to drive marine mammals away from crude oil spills (Davis et al. 1988). These sounds elicited reactions from northern sea otters, including startle responses and movement away from noise sources. However, these reactions were observed only when northern sea otters were within 100 to 200 m (328 to 656 ft) of noise sources. Further, northern sea otters appeared to become habituated to the noises within 2 hours or, at most, 3–4 days (Davis et al. 1988).

Noise exposure may be influenced by the amount of time sea otters spend at the water's surface. Noise at the water's surface can be attenuated by turbulence from wind and waves more quickly compared to deeper water, reducing potential noise exposure (Greene and Richardson 1988, Richardson et al. 1995). Additionally, turbulence at the water's surface limits the transference of sound from water to air. A sea otter with its head above water will be exposed to only a small fraction of the sound energy traveling through the water beneath it. The average amount of time that sea otters spend above the water each day while resting and grooming varies between males and females and

across seasons (Esslinger et al. 2014, Zellmer et al. 2021). For example, female sea otters foraged for an average of 8.78 hours per day compared to male sea otters, which foraged for an average of 7.85 hours per day during the summer months (Esslinger et al. 2014). Male and female sea otters spend an average of 63 to 67 percent of their day at the surface resting and grooming during the summer months (Esslinger et al. 2014). Few studies have evaluated foraging times during the winter months. Garshelis et al. (1986) found that foraging times increased from 5.1 hours per day to 16.6 hours per day in the winter; however, Gelatt et al. (2002) did not find a significant difference in seasonal foraging times. It is likely that seasonal variation is determined by seasonal differences in energetic demand and the quality and availability of prey sources (Esslinger et al. 2014). These findings suggest that the large portion of the day sea otters spend at the surface may help limit sea otters' exposure during noise-generating operations.

Sea otter sensitivity to industrial activities may be influenced by the overall level of human activity within the sea otter population's range. In locations that lack frequent human activity, sea otters appear to have a lower threshold for disturbance. Sea otters in Alaska exhibited escape behaviors in response to the presence and approach of vessels (Udevitz et al. 1995). Behaviors included diving or actively swimming away from a vessel, entering the water from haulouts, and disbanding groups with sea otters swimming in multiple different directions (Udevitz et al. 1995). Sea otters in Alaska were also observed to avoid areas with heavy boat traffic in the summer and return to these areas during seasons with less vessel traffic (Garshelis and Garshelis 1984). In Cook Inlet, sea otters drifting on a tide trajectory that would have taken them within 500 m (0.3 mi) of an active offshore drilling rig were observed to swim in order to avoid a close approach of the drilling rig despite near-ambient noise levels (BlueCrest 2013).

Individual sea otters in Near Island Channel will likely show a range of responses to noise from pile-driving activities. Some sea otters will likely dive, show startle responses, change direction of travel, or prematurely surface. Sea otters reacting to pile-driving activities may divert time and attention from biologically important behaviors, such as feeding and nursing pups. Sea otter responses to disturbance can result in energetic costs, which increases the amount of prey required by sea otters (Barrett 2019). This increased prey consumption may impact sea otter prey availability and cause sea otters to spend more time foraging and less time resting (Barrett 2019). Some sea otters may abandon the project area and return when the disturbance has ceased. Based on the observed movement patterns of sea otters (*i.e.,* Lensink 1962; Kenyon 1969, 1981; Garshelis and Garshelis 1984; Riedman and Estes 1990; Tinker and Estes 1996), we expect some individuals will respond to pile-driving activities by dispersing to nearby areas of suitable habitat; however, other sea otters, especially territorial adult males, are less likely to be displaced.

Consequences of Disturbance

The reactions of wildlife to disturbance can range from short-term behavioral changes to long-term impacts that affect survival and reproduction. When disturbed by noise, animals may respond behaviorally (*e.g.,* escape response) or physiologically (*e.g.,* increased heart rate, hormonal response) (Harms et al. 1997; Tempel and Gutiérrez 2003). Theoretically, the energy expense and associated physiological effects from repeated disturbance could ultimately lead to reduced survival and reproduction (Gill and Sutherland 2000; Frid and Dill 2002). For example, South American sea lions (*Otaria byronia*) visited by tourists exhibited an increase in the state of alertness and a decrease in maternal attendance and resting time on land, thereby potentially reducing population size (Pavez et al. 2015). In another example, killer whales that lost feeding opportunities due to boat traffic faced a substantial (18 percent) estimated decrease in energy intake (Williams et al. 2006). In severe cases, such disturbance effects could have population-level consequences. For example, increased disturbance by tourism vessels has been associated with a decline in abundance of bottlenose dolphins (*Tursiops* spp.) (Bejder et al. 2006; Lusseau et al. 2006). However, these examples evaluated sources of disturbance that were longer term and more consistent than the temporary and intermittent nature of the specified project activities.

These examples illustrate direct effects on survival and reproductive success, but disturbances can also have indirect effects. Response to noise disturbance is considered a nonlethal stimulus that is similar to an antipredator response (Frid and Dill 2002). Sea otters are susceptible to predation, particularly from killer whales and eagles, and have a well-developed antipredator response to perceived threats. For example, the presence of a harbor seal (*Phoca vitulina*) did not appear to disturb southern sea otters, but they demonstrated a fear response in the presence of a California sea lion by actively looking above and beneath the water (Limbaugh 1961).

Although an increase in vigilance or a flight response is nonlethal, a tradeoff occurs between risk avoidance and energy conservation. An animal's reactions to noise disturbance may cause stress and direct an animal's energy away from fitness-enhancing activities such as feeding and mating (Frid and Dill 2002; Goudie and Jones 2004). For example, southern sea otters in areas with heavy recreational boat traffic demonstrated changes in behavioral time budgeting, showing decreased time resting and changes in haulout patterns and distribution (Benham 2006; Maldini et al. 2012). Chronic stress can also lead to weakened reflexes, lowered learning responses (Welch and Welch 1970; van Polanen Petel et al. 2006), compromised immune function, decreased body weight, and abnormal thyroid function (Selye 1979).

Changes in behavior resulting from anthropogenic disturbance can include increased agonistic interactions between individuals or temporary or permanent abandonment of an area (Barton et al. 1998). Additionally, the extent of previous exposure to humans (Holcomb et al. 2009), the type of disturbance (Andersen et al. 2012), and the age or sex of the individuals (Shaughnessy et al. 2008; Holcomb et al. 2009) may influence the type and extent of response in individual sea otters.

Vessel Activities

Vessel collisions with marine mammals can result in death or serious injury. Wounds resulting from vessel strike may include massive trauma, hemorrhaging, broken bones, or propeller lacerations (Knowlton and Kraus 2001). An animal may be harmed by a vessel when the vessel runs over the animal at the surface, the animal hits the bottom of a vessel while the animal is surfacing, or the animal is cut by a vessel's propeller.

Vessel strike has been documented as a cause of death across all three stocks of northern sea otters in Alaska. Since 2002, the FWS has conducted 1,433 sea otter necropsies to determine cause of death, disease incidence, and the general health status of sea otters in Alaska. Vessel strike or blunt trauma was identified as a definitive or presumptive cause of death in 65 cases

(4 percent) (USFWS 2020). In most of these cases, trauma was determined to be the ultimate cause of death; however, there was a contributing factor, such as disease or biotoxin exposure, which incapacitated the sea otter and made it more vulnerable to vessel strike (USFWS 2023).

Vessel speed influences the likelihood of vessel strikes involving sea otters. The probability of death or serious injury to a marine mammal increases as vessel speed increases (Laist et al. 2001; Vanderlaan and Taggart 2007). Sea otters spend a considerable portion of their time at the water's surface (Esslinger et al. 2014). They are typically visually aware of approaching vessels and can move away if a vessel is not traveling too quickly. Mitigation measures to be applied to vessel operations to prevent collisions or interactions are included below in the proposed authorization portion of this document under *Avoidance and Minimization.*

Sea otters exhibit behavioral flexibility in response to vessels, and their responses may be influenced by the intensity and duration of the vessel's activity. As noted above, sea otter populations in Alaska were observed to avoid areas with heavy vessel traffic but return to those same areas during seasons with less vessel traffic (Garshelis and Garshelis 1984). Sea otters have also shown signs of disturbance or escape behaviors in response to the presence and approach of survey vessels, including sea otters diving and/or actively swimming away from a vessel, sea otters on haulouts entering the water, and groups of sea otters disbanding and swimming in multiple different directions (Udevitz et al. 1995).

Additionally, sea otter responses to vessels may be influenced by the sea otter's previous experience with vessels. Groups of southern sea otters in two locations in California showed markedly different responses to kayakers approaching to within specific distances, suggesting a different level of tolerance between the groups (Gunvalson 2011). Benham (2006) found evidence that the sea otters exposed to high levels of recreational activity may have become more tolerant than individuals in less-disturbed areas. Sea otters off the California coast showed only mild interest in vessels passing within hundreds of meters and appeared to have habituated to vessel traffic (Riedman 1983; Curland 1997). These findings indicate that sea otters may adjust their responses to vessel activities depending on the level of activity. Vessel activity during the project includes the transit of four barges for materials and construction, all of which will remain on site, mostly stationary, to support the work; additionally, four skiffs will be used during the project for transporting workers short distances to the crane barges. Vessels will not be used extensively or over a long duration during the planned work; therefore, we do not anticipate that sea otters will experience changes in behavior indicative of tolerance or habituation.

Effects on Sea Otter Habitat and Prey

Physical and biological features of habitat essential to the conservation of sea otters include the benthic invertebrates that sea otters eat and the shallow rocky areas and kelp beds that provide cover from predators. Sea otter habitat in the project area includes coastal areas within the 40-m (131-ft) depth contour where high densities of sea otters have been detected.

Industrial activities, such as pile driving, may generate in-water noise at levels that can temporarily displace sea otters from important habitat and impact sea otter prey species. The primary prey species for sea otters are sea urchins (*Strongylocentrotus* spp. and *Mesocentrotus* spp.), abalone (*Haliotis* spp.), clams (*e.g., Clinocardium nuttallii, Leukoma staminea,* and *Saxidomus gigantea*), mussels (*Mytilus* spp.), crabs (*e.g., Metacarcinus magister, Pugettia* spp., *Telemessus cheiragonus,* and *Cancer* spp.), and squid (*Loligo* spp.) (Tinker and Estes 1996; LaRoche et al. 2021). When preferential prey are scarce, sea otters will also eat kelp, slow-moving benthic fishes, sea cucumbers (*e.g., Apostichopus californicus*), egg cases of rays, turban snails (*Tegula* spp.), octopuses (*e.g., Octopus* spp.), barnacles (*Balanus* spp.), sea stars (*e.g., Pycnopodia helianthoides),* scallops (*e.g., Patinopecten caurinus),* rock oysters (*Saccostrea* spp.), worms (*e.g., Eudistylia* spp.), and chitons (*e.g., Mopalia* spp.) (Riedman and Estes 1990; Davis and Bodkin 2021).

Several studies have addressed the effects of noise on invertebrates (Tidau and Briffa 2016; Carroll et al. 2017). Behavioral changes, such as an increase in lobster (*Homarus americanus*) feeding levels (Payne et al. 2007), an increase in avoidance behavior by wild-caught captive reef squid (*Sepioteuthis australis*) (Fewtrell and McCauley 2012), and deeper digging by razor clams (*Sinonovacula constricta*) (Peng et al. 2016) have been observed following experimental exposures to sound. Physical changes have also been observed in response to increased sound levels, including changes in serum biochemistry and hepatopancreatic cells in lobsters (Payne et al. 2007) and long-term damage to the statocysts required for hearing in several cephalopod species (André et al. 2011; Solé et al. 2013). De Soto et al. (2013) found impaired embryonic development in scallop (*Pecten novaezelandiae*) larvae when exposed to 160 dB. Christian et al. (2003) noted a reduction in the speed of egg development of bottom-dwelling crabs following exposure to noise; however, the sound level (221 dB at 2 m or 6.6 ft) was far higher than the planned project activities will produce. Industrial noise can also impact larval settlement by masking the natural acoustic settlement cues for crustaceans and fish (Pine et al. 2012; Simpson et al. 2016; Tidau and Briffa 2016).

While these studies provide evidence of deleterious effects to invertebrates as a result of increased sound levels, Carroll et al. (2017) caution that there is a wide disparity between results obtained in field and laboratory settings. In experimental settings, changes were observed only when animals were housed in enclosed tanks, and many were exposed to prolonged bouts of continuous, pure tones. We would not expect similar results in open marine conditions. It is unlikely that noises generated by project activities will have any lasting effect on sea otter prey given the short-term duration of sounds produced by each component of the planned work.

Noise-generating activities that interact with the seabed can produce vibrations, resulting in the disturbance of sediment and increased turbidity in the water. Although turbidity is likely to have little impact on sea otters and prey species (Todd et al. 2015), there may be some impacts from vibrations and increased sedimentation. For example, mussels (*Mytilus edulis*) exhibited changes in valve gape and oxygen demand, and hermit crabs (*Pagurus bernhardus*) exhibited limited behavioral changes in response to vibrations caused by pile driving (Roberts et al. 2016). Increased sedimentation is likely to reduce sea otter visibility, which may result in reduced foraging efficiency and a potential shift to less-preferred prey species. These outcomes may cause sea otters to spend more energy on foraging or processing the prey items; however, the impacts of a change in energy expenditure are not likely seen at the population level (Newsome et al. 2015). Additionally, the benthic invertebrates may be impacted by increased sedimentation, resulting in higher abundances of opportunistic species

that recover quickly from industrial activities that increase sedimentation (Kotta et al. 2009). Although sea otter foraging could be impacted by industrial activities that cause vibrations and increased sedimentation, it is more likely that sea otters would be temporarily displaced from the project area due to impacts from noise rather than vibrations and sedimentation.

Potential Impacts of the Specified Activities on Subsistence Uses

The planned specified activities will occur near marine subsistence harvest areas used by Alaska Native Peoples from Kodiak. Between 2013 and 2023, a total of 463 sea otters were taken by hunters from Kodiak. The average annual harvest for this period is 42 animals, with the lowest annual harvest of 10 animals reported in 2018 and the highest annual harvest of 103 animals reported in 2016.

The planned project would occur within the Kodiak city limits, where firearm use is prohibited. The area potentially affected by the planned project does not significantly overlap with current subsistence harvest areas. Construction activities will not preclude access to hunting areas or interfere in any way with individuals wishing to hunt. Despite no conflict with subsistence use being anticipated, the FWS will conduct outreach with potentially affected communities to see whether there are any questions, concerns, or potential conflicts regarding subsistence use in those areas. If any conflicts are identified in the future, Trident will develop a plan of cooperation specifying the steps necessary to minimize any effects the project may have on subsistence harvest.

Estimated Take

Definitions of Incidental Take Under the Marine Mammal Protection Act

Below we provide definitions of three potential types of take of sea otters. The FWS does not anticipate and is not authorizing lethal take as a part of this proposed IHA; however, the definitions of these take types are provided for context and background:

Lethal Take—Human activity may result in biologically significant impacts to sea otters. In the most serious interactions, human actions can result in mortality of sea otters.

Level A Harassment—Human activity may result in the injury of sea otters. Level A harassment, for nonmilitary readiness activities, is defined as any act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild.

Level B Harassment—Level B Harassment, for nonmilitary readiness activities, means any act of pursuit, torment, or annoyance that 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, feeding, or sheltering. Changes in behavior that disrupt biologically significant behaviors or activities for the affected animal are indicative of take by Level B harassment under the MMPA.

The FWS has identified the following sea otter behaviors as indicative of possible Level B harassment:

- Swimming away at a fast pace on belly (*i.e.,* porpoising);
- Repeatedly raising the head vertically above the water to get a better view (*i.e.,* spyhopping) while apparently agitated or while swimming away;
- In the case of a pup, repeatedly spyhopping while hiding behind and holding onto its mother's head;
- Abandoning prey or feeding area;
- Ceasing to nurse and/or rest (applies to dependent pups);
- Ceasing to rest (applies to independent animals);
- Ceasing to use movement corridors;
- Ceasing mating behaviors;
- Shifting/jostling/agitation in a raft so that the raft disperses;
- Sudden diving of an entire raft; or
- Flushing animals off a haulout.

This list is not meant to encompass all possible behaviors; other behavioral responses may equate to take by Level B harassment. Relatively minor changes in behavior such as increased vigilance or a short-term change in direction of travel are not likely to disrupt biologically important behavioral patterns, and the FWS does not view such minor changes in behavior as indicative of a take by Level B harassment.

Calculating Take

We assumed all animals exposed to underwater sound levels that meet the acoustic exposure criteria defined above in *Exposure Thresholds* will experience take by Level A or Level B harassment due to exposure to underwater noise. Spatially explicit zones of ensonification were established around the planned construction location to estimate the number of otters that may be exposed to these sound levels.

We determined the number of otters expected to be present in Near Island Channel using sightings data collected during work conducted at the Kodiak Ferry terminal between November 2015 and June 2016 (ABR 2016). Sea otters were generally observed in singles or small groups with total daily counts of fewer than ~40 animals. However, there were several days on which rafts of 50 to 200 sea otters were observed with total daily counts of up to 459 animals. Sightings of large rafts and high daily totals coincided with days on which the observers noted higher sea states and it is likely that sea otters came from nearby exposed coastline to seek shelter in Near Island Channel during storm events.

The project can be divided into three major components: DTH drilling, pile driving using a vibratory driver, and vessel use to support construction. Each of these components will generate a different type of in-water noise. Vibratory pile driving and the use of vessels will produce non-impulsive or continuous noise and DTH drilling is considered to produce both impulsive and continuous noise (NMFS 2020). A summary of the sizes and types of piles, installation and removal methods, and time to install and remove piles is shown in table 2.

The level of sound anticipated from each project component was established using recorded data from several sources listed in table 3. We used the NMFS Technical Guidance and User Spreadsheet (NMFS 2018, 2020) to determine the distance at which sound levels would attenuate to Level A harassment thresholds. Empirical data from the proxy projects were used to determine the distance at which sound levels would attenuate to Level B harassment thresholds (table 1). The weighting factor adjustment included in the NMFS user spreadsheet accounts for sounds created in portions of an organism's hearing range where they have less sensitivity. We used the weighting factor adjustment for otariid pinnipeds (eared seals) as they are the closest available physiological and anatomical proxy for sea otters. The spreadsheet also incorporates a transmission loss coefficient, which accounts for the reduction in sound level outward from a sound source. We used the NMFS-recommended transmission loss coefficient of 15 for coastal pile-driving activities to indicate practical spread (NMFS 2020).

We calculated the harassment zones for DTH drilling with input from NMFS. The sound pressure levels produced by DTH drilling were provided by NMFS in 2022 via correspondence with Solstice Alaska Consulting, who created the application for this IHA on behalf of Trident. We then used the NMFS Technical Guidance and User Spreadsheet (NMFS 2018, 2020) to

determine the distance at which these sounds would attenuate to Level A harassment thresholds. To estimate the distances at which sounds would attenuate to Level B harassment thresholds, we used the NMFS-recommended transmission loss coefficient of 15 for coastal pile-driving activities in a practical spreading loss model (NMFS 2020) to determine the distance at which sound levels attenuate to 160 dB re 1 μPa.

TABLE 2—SUMMARY OF TIMING OF SOUND PRODUCTION, AND DAYS OF IMPACT FROM PILE INSTALLATION AND REMOVAL AT TRIDENT'S SITE AT NEAR ISLAND CHANNEL

Activity and pile diameter	Removal of existing piles			Temporary piles, 24-in		Permanent installation	
	16-in	14-in	14-in	Installation	Removal	16-in	24-in
Pile material	Steel	Steel	Timber	Steel	Steel	Steel	Steel
Pile type	Pipe	H-pile	Round	Pipe	Pipe	Pipe	Pipe
Total number of piles	60	75	100	20	20	26	52
Vibratory pile driving							
Number of piles	60	75	100	20	20	26	52
Maximum number of piles per day	20	20	25	6	8	5	4
Vibratory time per pile (minutes)	2	2	2	2	2	2	2
Vibratory time per day (minutes)	40	40	50	12	16	10	8
Number of days	3	4	4	3	3	5	13
Total vibratory time (minutes)	120	150	200	40	40	52	104
DTH drilling							
Number of piles	0	0	0	20	0	26	52
Maximum number of piles per day	0	0	0	6	0	6	4
DTH time per pile (minutes)	0	0	0	30	0	45	60
DTH time per day (minutes)	0	0	0	180	0	270	240
Number of days	0	0	0	3	0	4	13
Total DTH time (minutes)	0	0	0	600	0	1,170	3,120

TABLE 3—SUMMARY OF SOUND LEVEL, TIMING OF SOUND PRODUCTION, DISTANCE (m) FROM SOUND SOURCE TO BELOW LEVEL A HARASSMENT AND LEVEL B HARASSMENT THRESHOLDS FOR SOUND-PRODUCING ACTIVITIES AT TRIDENT'S KODIAK BUNKHOUSE SITE

Source	Sound level (dB (RMS) re 1μPa at 10 m)	Reference	Distance to below level A harassment threshold	Distance to below level B harassment threshold
14-in timber (vibratory removal)	162	Caltrans 2020	0.3	13.6
14-in H (vibratory removal)	150	Caltrans 2020	0.2	2.2
16-in steel (vibratory installation)	161	NAVFAC[a] 2015 (used 24-in piles).	0.1	11.7
16-in steel (vibratory removal)	161	NAVFAC 2015 (used 24-in piles)	0.2	11.7
24-in steel (vibratory installation—temporary piles).	161	NAVFAC 2015	0.1	11.7
24-in steel (vibratory installation—permanent piles).	161	NAVFAC 2015	0.1	11.7
24-in steel (vibratory removal)	161	NAVFAC 2015	0.1	11.7
Work skiff	160	Richardson et al. 1995; Kipple and Gabriele 2007.	0.0	10.0
Tug operations	176	LGL/JASCO/Greeneridge 2014	9.2	116.6

DTH Drilling

Source	dB rms (bubble curtain)	dB SEL (bubble curtain)	Reference	Distance to below level A harassment threshold	Distance to below level B harassment threshold
16-in steel installation	162 (167)	141 (146)	Heyvaert and Reyff 2021 (used 24-in piles); Guan & Miner 2020.	1.8	13.6
24-in steel DTH installation—temporary.	162 (167)	154 (159)	Heyvaert and Reyff 2021	10.3	13.6
24-in steel DTH installation—permanent.	162 (167)	154 (159)	Heyvaert and Reyff 2021	12.5	13.6

[a] Naval Facilities Engineering Command.

Sound levels for all sources are unweighted and given in dB re 1 µPa. Non-impulsive sounds are in the form of mean maximum root mean square (RMS) sound pressure level (SPL) as it is more conservative than cumulative sound exposure level (SEL_{CUM}) or peak SPL for these activities.

We used the ABR Environmental Research & Services (2016) data to derive a local density of sea otters in Near Island Channel on the days of highest presence and arrived at 710 animals per km^2. Applying this density to the largest Level B harassment zone for pile driving (14 m [46 ft]) yielded a result of approximately 1 individual otter exposed. Applying this density to the Level B harassment zone for heavy towing operations (117m [383 ft]) yielded a result of approximately 31 individual otters exposed. Although the harassment zone for the work skiff is sufficiently small to be easily monitored (10 m [33 ft]), the skiff will make multiple trips between the harbor and the work site each day. On days when several hundred sea otters occupy the relatively small area of Near Channel, it would not be feasible for a protected species observer (PSO) to determine whether the individual animals present in the harassment zones remain constant over time. As such, we assumed that it was possible that each individual sea otter in Near Channel would enter a Level B harassment zone at least once over the course of each day of operations.

To estimate the number of sea otters anticipated in the waters surrounding Near Island Channel during the project, we applied the distribution of daily sea otter counts observed during the Kodiak Ferry work (ABR 2016) to the length of Trident's work period (55 days). We used the result to estimate the daily sea otter counts anticipated during Trident's work period (table 4). The daily count range categories were selected based on natural breaks in the sightings data.

TABLE 4—DISTRIBUTION OF DAYS ANTICIPATED WITHIN TRIDENT'S 55-DAY WORK PERIOD FOR EACH CATEGORY OF DAILY SEA OTTER COUNTS AND ANTICIPATED TOTAL NUMBER OF EXPOSURES OF SEA OTTERS IN NEAR ISLAND CHANNEL OVER THE DURATION OF THE PROJECT

[Based on sightings data from observations conducted at Kodiak Ferry terminal (ABR 2016)]

Range of daily sea otter count	Number of days in 55-day period	Exposures of sea otters throughout project
1 to 10	19	190
11 to 20	9	180
21 to 30	4	120
31 to 40	5	200
41 to 50	3	150
51 to 60	1	60
61 to 75	2	150
76 to 85	4	340
85 to 100	2	200
101 to 135	2	270
136 to 155	1	155
156 to 225	1	225
226 to 460	2	920
Totals	55	3,160

We assumed that the different types of activities could occur either sequentially or concurrently and that the total number of days of work would equal the full 55-day work window. While it is possible that more than one type of activity will take place on some days, which would reduce the number of days of exposure within a year, we cannot know this information in advance. As such, the estimated number of days and, therefore, exposures over the duration of the project are the maximum possible for the planned work.

In order to minimize exposure of sea otters to sounds above Level A harassment thresholds, Trident will implement shutdown zones (appendix C in Solstice 2024) ranging from 10 to 15 m (33 to 49 ft), based on the pile size and type of pile driving or marine construction activity, where operations will cease should a sea otter enter or approach the specified zone. Because the shutdown radii are larger than the sound isopleths for Level A harassment, no Level A harassment is anticipated. Soft-start and zone clearance prior to startup will also limit the exposure of sea otters to sound levels that could cause PTS.

Critical Assumptions

We estimate that 3,160 takes of 460 sea otters by Level B harassment may occur due to Trident's planned dock repair and construction activities. In order to conduct this analysis and estimate the potential amount of take by harassment, several critical assumptions were made.

Level B harassment is equated herein with behavioral responses that indicate harassment or disturbance. There is likely a portion of animals that respond in ways that indicate some level of disturbance but do not experience significant biological consequences.

We used the sea otter presence for the Near Island Channel area from surveys and analyses conducted by ABR, Inc. (2016). Methods and assumptions for these surveys can be found in the original publication. We assumed that the distribution of daily total counts of sea otters during Trident's work period would be similar to that observed during the Kodiak Ferry Terminal work.

We used sound source verification from recent pile-driving activities in a number of locations within and beyond Alaska to generate sound level estimates for construction activities. Environmental conditions in these locations, including water depth, substrate, and ambient sound levels are similar to those in the project location, but not identical. Further, estimation of ensonification zones were based on sound attenuation models using a practical spreading loss model. These factors may lead to actual sound values differing slightly from those estimated here.

We assumed that all piles will be installed and removed while submerged in water. Some piles will be located in the intertidal zone. Work performed at lower tidal heights would likely result in decreased transmission of sounds to

the water column. However, as the timing of pile installation and removal was not known in advance, we accounted for the possibility that all work may occur at a tidal height that allows for full sound transmission.

Finally, the pile-driving activities described here will also create in-air noise. Because sea otters spend over half of their day with their heads above water (Esslinger et al. 2014), they will be exposed to an increase of in-air noise from construction equipment. However, we have calculated Level B harassment with the assumption that an individual may be harassed only one time per 24-hour period, and underwater sound levels will be more disturbing and extend farther than in-air noise. Thus, while sea otters may be disturbed by noise both in-air and underwater, we have relied on the more conservative underwater estimates.

Sum of Harassment From All Sources

The applicant plans to conduct pile driving and marine construction activities in Kodiak, Alaska, over the course of a year from the date of issuance of the IHA. Over the course of the project, we estimate 3,160 instances of take by Level B harassment of 460 northern sea otters from the Southcentral Alaska stock due to behavioral responses of TTS associated with noise exposure. Although multiple instances of Level B harassment of individual sea otters are expected, these events would not have significant consequences for the health, reproduction, or survival of affected animals and therefore would not rise to the level of an injury or Level A harassment.

The use of soft-start procedures, zone clearance prior to startup, and shutdown zones (appendix C in Solstice 2024) is anticipated to eliminate both the number of sea otters exposed to sounds above Level A harassment thresholds and the exposure time of any sea otters venturing into a Level A harassment zone. We therefore do not anticipate any losses of hearing sensitivity that might impact the health, reproduction, or survival of affected animals. We anticipate that PSOs will be able to reliably detect and prevent take by Level A harassment of sea otters beyond the largest sound isopleth for Level A harassment (15 m [45 ft]), therefore we do not anticipate that any sea otters will be exposed to sounds capable of causing PTS or Level A harassment.

Determinations and Findings

Sea otters exposed to sound from the specified activities are likely to respond with temporary behavioral modification or displacement. The specified activities could temporarily interrupt the feeding, resting, and movement of sea otters. Because activities will occur during a limited amount of time and in a localized region, the impacts associated with the project are likewise temporary and localized. The anticipated effects are short-term behavioral reactions and displacement of sea otters near active operations.

Sea otters that encounter the specified activity may exert more energy than otherwise due to temporary cessation of feeding, increased vigilance, and retreating from the project area. We expect that affected sea otters will tolerate this exertion without measurable effects on health or reproduction. The anticipated takes will be due to short-term Level B harassment in the form of TTS, startling reactions, or temporary displacement. The mitigation measures incorporated into Trident's request will eliminate occurrences of Level A harassment to the extent where take by Level A harassment is not anticipated.

With the adoption of the mitigation measures incorporated in Trident's request and required by this proposed IHA, anticipated take was reduced. Those mitigation measures are further described below.

Small Numbers

To assess whether the authorized incidental taking would be limited to ''small numbers'' of marine mammals, the FWS uses a proportional approach that considers whether the estimated number of marine mammals to be subjected to incidental take is small relative to the population size of the species or stock. Here, predicted levels of take were determined based on the estimated density of sea otters in the project area and ensonification zones developed using empirical evidence from similar geographic areas.

We estimate Trident's specified activities in the specified geographic region will result in no more than 3,160 takes of 460 sea otters by Level B harassment during the 1-year period of this proposed IHA (see *Sum of Harassment from All Sources*). Take of 460 animals is 0.9 percent of the best available estimate of the current Southwest Alaska stock size of 51,935 animals (USFWS 2023) ((460÷51,935)×100≈0.9) and represents a ''small number'' of sea otters of that stock.

Negligible Impact

We propose a finding that any incidental take by harassment resulting from the specified activities cannot be reasonably expected to, and is not reasonably likely to, adversely affect the sea otter through effects on annual rates of recruitment or survival and will, therefore, have no more than a negligible impact on the Southwest Alaska stock of northern sea otters. In making this finding, we considered the best available scientific information, including the biological and behavioral characteristics of the species, the most recent information on species distribution and abundance within the area of the specified activities, the current and expected future status of the stock (including existing and foreseeable human and natural stressors), the potential sources of disturbance caused by the project, and the potential responses of marine mammals to this disturbance. In addition, we reviewed applicant-provided materials, information in our files and datasets, published reference materials, and species experts.

Sea otters are likely to respond to planned activities with temporary behavioral modification or temporary displacement. These reactions are not anticipated to have consequences for the long-term health, reproduction, or survival of affected animals. Most animals will respond to disturbance by moving away from the source, which may cause temporary interruption of foraging, resting, or other natural behaviors. Affected animals are expected to resume normal behaviors soon after exposure with no lasting consequences. Each sea otter is estimated to be exposed to construction noise for between 4 and 55 days, resulting in repeated exposures. However, injuries (*i.e.,* Level A harassment or PTS) due to chronic sound exposure is estimated to occur at a longer time scale (Southall et al. 2019). The area that will experience noise greater than Level B thresholds due to pile driving is small (less than 0.01 km^2), and an animal that may be disturbed could escape the noise by moving to nearby quiet areas. Further, sea otters spend over half of their time above the surface during the summer months (Esslinger et al. 2014), and likely no more than 70 percent of their time foraging during winter months (Gelatt et al. 2002). Thus, their ears will not be exposed to continuous noise, and the amount of time it may take for permanent injury is considerably longer than that of mammals primarily under water. Some animals may exhibit some of the stronger responses typical of Level B harassment, such as fleeing, interruption of feeding, or flushing from

a haulout. These responses could have temporary biological impacts for affected individuals but are not anticipated to result in measurable changes in survival or reproduction.

The total number of animals affected, and severity of impact is not sufficient to change the current population dynamics at the stock scale. Although the specified activities may result in approximately 3,160 incidental takes of 460 sea otters from the Southwest Alaska stock, we do not expect this level of harassment to affect annual rates of recruitment or survival or result in adverse effects on the stock.

Our proposed finding of negligible impact applies to incidental take associated with the specified activities as mitigated by the avoidance and minimization measures identified in Trident's mitigation and monitoring plan. These mitigation measures are designed to minimize interactions with and impacts to sea otters. These measures, along with the monitoring and reporting procedures, are required for the validity of our finding and are a necessary component of the proposed IHA. For these reasons, we propose a finding that the specified project will have a negligible impact on the Southwest Alaska stock of northern sea otters.

Least Practicable Adverse Impacts

We find that the mitigation measures required by this proposed IHA will affect the least practicable adverse impacts on the stock from any incidental take likely to occur in association with the specified activities. In making this finding, we considered the biological characteristics of sea otters, the nature of the specified activities, the potential effects of the activities on sea otters, the documented impacts of similar activities on sea otters, and alternative mitigation measures.

In evaluating what mitigation measures are appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses, we considered the manner and degree to which the successful implementation of the measures are expected to achieve this goal. We considered the nature of the potential adverse impact being mitigated (likelihood, scope, range), the likelihood that the measures will be effective if implemented, and the likelihood of effective implementation. We also considered the practicability of the measures for applicant implementation (*e.g.,* cost, impact on operations). We assessed whether any additional, practicable requirements could be implemented to further reduce effects, but did not identify any.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, Trident will implement mitigation measures, including the following:

- Using the smallest diameter piles practicable while minimizing the overall number of piles;
- Using a project design that does not include dredging or blasting;
- Using pile caps made of high-density polyethylene or ultra-high-molecular-weight polyethylene softening materials during pile driving;
- Foregoing the use of an impact hammer;
- Employing a deep bubble curtain during all DTH drilling to reduce noise impacts;
- Development of a marine mammal monitoring and mitigation plan;
- Establishment of shutdown and monitoring zones;
- Visual mitigation monitoring by designated PSOs;
- Site clearance before startup;
- Soft-start procedures; and
- Shutdown procedures.

The FWS has not identified any additional (*i.e.,* not already incorporated into Trident's request) mitigation or monitoring measures that are practicable and would further reduce potential impacts to sea otters and their habitat.

Impact on Subsistence Use

The project will not preclude access to harvest areas or interfere with the availability of sea otters for harvest. Additionally, the bunkhouse dock and associated facilities are located within the City of Kodiak, where firearm use is prohibited. We therefore propose a finding that Trident's anticipated harassment will not have an unmitigable adverse impact on the availability of any stock of northern sea otters for taking for subsistence uses. In making this finding, we considered the timing and location of the planned activities and the timing and location of subsistence harvest activities in the project area.

Monitoring and Reporting

The purposes of the monitoring requirements are to document and provide data for assessing the effects of specified activities on sea otters; to ensure that take is consistent with that anticipated in the small numbers, negligible impact, and subsistence use analyses; and to detect any unanticipated effects on the species. Monitoring plans include steps to document when and how sea otters are encountered and their numbers and behaviors during these encounters. This information allows the FWS to measure encounter rates and trends and to estimate numbers of animals potentially affected. To the extent possible, monitors will record group size, age, sex, reaction, duration of interaction, and closest approach to the project activity.

As proposed, monitoring activities will be summarized and reported in formal reports. Trident must submit monthly reports for all months during which noise-generating work takes place as well as a final monitoring report that must be submitted no later than 90 days after the expiration of the IHA. We will require an approved plan for monitoring and reporting the effects of pile driving and marine construction activities on sea otters prior to issuance of an IHA. We will require approval of the monitoring results for continued operation under the IHA.

We find that these proposed monitoring and reporting requirements to evaluate the potential impacts of planned activities will ensure that the effects of the activities remain consistent with the rest of the findings.

Required Determinations

National Environmental Policy Act (NEPA)

We have prepared a draft environmental assessment in accordance with the NEPA (42 U.S.C. 4321 *et seq.*). We have preliminarily concluded that authorizing the nonlethal, incidental, unintentional take by Level B harassment of up to 3,160 takes of 460 sea otters from the Southwest Alaska stock in the specified geographic region during the specified activities during the authorization period would not significantly affect the quality of the human environment and, thus, preparation of an environmental impact statement for this proposed IHA is not required by section 102(2) of NEPA or its implementing regulations. We are accepting comments on the draft environmental assessment as specified above in **DATES** and **ADDRESSES**.

Endangered Species Act

Under the ESA (16 U.S.C. 1536(a)(2)), all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. Because the Southwest Alaska stock is listed as threatened under the ESA, prior to finalizing the proposed IHA, if warranted, the FWS

will complete intra-Service consultation under section 7 of the ESA on our proposed issuance of this IHA. These evaluations and findings will be made available on the FWS's website at *https://ecos.fws.gov/ecp/report/biological-opinion.* The authorization of incidental take of sea otters and the measures included in the proposed IHA would not affect other listed species or designated critical habitat.

Government-to-Government Consultation

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Alaska Native Tribes in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture, and to make information available to Alaska Native people. Our efforts are guided by the following policies and directives:

(1) The Native American Policy of the FWS (January 20, 2016);

(2) The Alaska Native Relations Policy (currently in draft form);

(3) Executive Order 13175 (January 9, 2000);

(4) Department of the Interior Secretary's Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), and 3342 (October 21, 2016);

(5) The Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and

(6) The Department of the Interior's policies on consultation with Alaska Native Tribes and Organizations.

We have evaluated possible effects of the specified activities on federally recognized Alaska Native Tribes and Organizations. The FWS has determined that, due to this project's locations and activities, the Tribal Organizations and communities near Kodiak, Alaska, as well as relevant Alaska Native Claims Settlement Act corporations, will not be impacted by this project. However, we will inform them of the availability of this proposed IHA and offer them the opportunity to consult. We invite continued discussion, either about the project and its impacts or about our coordination and information exchange throughout the IHA process.

Paperwork Reduction Act

This proposed IHA does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The OMB has previously approved the information collection requirements associated with IHAs and assigned OMB Control Number 1018–0194 (expires 08/31/2026). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Proposed Authorization

We propose to authorize the nonlethal incidental take by Level B harassment of 3,160 takes of 460 sea otters from the Southwest Alaska stock. Authorized take may be caused by pile driving and marine construction activities conducted by Trident Seafoods Corporation (Trident) in Kodiak, Alaska, over the course of a year from the date of issuance of the IHA. We do not anticipate or authorize any take by Level A harassment or lethal take to sea otters resulting from these activities.

A. General Conditions for the Incidental Harassment Authorization (IHA)

(1) Activities must be conducted in the manner described in the November 6, 2024, revised request from Trident for an IHA and in accordance with all applicable conditions and mitigation measures. The taking of sea otters whenever the required conditions, mitigation, monitoring, and reporting measures are not fully implemented as required by the IHA is prohibited. Failure to follow the measures specified both in the revised request and within this proposed authorization may result in the modification, suspension, or revocation of the IHA.

(2) If project activities cause unauthorized take (*i.e.,* greater than 3,160 takes of 460 northern sea otters from the Southwest Alaska stock, a form of take other than Level B harassment, or take of one or more sea otters through methods not described in the IHA), Trident must take the following actions:

(i) Cease its activities immediately (or reduce activities to the minimum level necessary to maintain safety);

(ii) Report the details of the incident to the FWS within 48 hours; and

(iii) Suspend further activities until the FWS has reviewed the circumstances and determined whether additional mitigation measures are necessary to avoid further unauthorized taking.

(3) All operations managers, vehicle operators, and machine operators must receive a copy of this IHA and maintain access to it for reference at all times during project work. These personnel must understand, be fully aware of, and be capable of implementing the conditions of the IHA at all times during project work.

(4) This IHA will apply to activities associated with the specified project as described in this document and in Trident's revised request. Changes to the specified project without prior authorization may invalidate the IHA.

(5) Trident's revised request is approved and fully incorporated into this IHA unless exceptions are specifically noted herein. The request includes:

(i) Trident's request for an IHA, dated November 6, 2024;

(ii) Marine Mammal Mitigation and Monitoring Plan;

(iii) Bubble curtain schematics; and

(iv) Pile coordinates.

(6) Operators will allow FWS personnel or a FWS-designated representative to visit project worksites to monitor for impacts to sea otters and subsistence uses of sea otters at any time throughout project activities so long as it is safe to do so. ''Operators'' are all personnel operating under Trident's authority, including all contractors and subcontractors.

B. Avoidance and Minimization

(1) Construction activities must be conducted using equipment that generates the lowest practicable levels of underwater sound within the range of frequencies audible to sea otters.

(2) If the number of sea otters present in the area of Near Island Channel exceeds 450, or if the number of sea otters present in a Level B monitoring zone exceeds 25, or if the combination of sea state and a high number of sea otters in the area is so high as to preclude an accurate count, work will cease until PSOs can confirm that the number of sea otters in the area is less than above limits.

(3) During all pile-installation activities, regardless of predicted sound levels, a physical interaction shutdown zone of 10 m (33 ft) must be enforced. If a sea otter enters the shutdown zone, in-water activities must be delayed until either the animal has been visually observed outside the shutdown zone, or 15 minutes have elapsed since the last observation time without redetection of the animal. A shutdown zone of 15 m (49 ft) will be enforced for DTH drilling where the 160 dB sound isopleth exceeds the 10 m (33 ft) physical interaction shutdown zone.

(4) In-water activity must be conducted in daylight. If environmental conditions prevent visual detection of sea otters within the shutdown zone, in-water activities must be stopped until visibility is regained.

(5) All in-water work along the shoreline must be conducted during low tide when the site is dewatered to the maximum extent practicable.

C. Mitigation Measures for Vessel Operations

Vessel operators must take every precaution to avoid harassment of sea otters when a vessel is operating near these animals. The applicant must carry out the following measures:

(1) Vessels must remain at least 500 m (0.3 mi) from rafts of sea otters unless safety is a factor. Vessels must reduce speed and maintain a distance of 100 m (328 ft) from all sea otters unless safety is a factor.

(2) Vessels must not be operated in such a way as to separate members of a group of sea otters from other members of the group and must avoid alongshore travel in shallow water (<20 m [66 ft]) whenever practicable.

(3) When weather conditions require, such as when visibility drops, vessels must adjust speed accordingly to avoid the likelihood of injury to sea otters.

(4) Vessel operators must be provided written guidance for avoiding collisions and minimizing disturbances to sea otters. Guidance will include measures identified in paragraphs (C)(1) through (4) of this section.

D. Monitoring

(1) Operators shall work with protected species observers (PSOs) to apply mitigation measures and shall recognize the authority of PSOs up to and including stopping work, except where doing so poses a significant safety risk to personnel.

(2) Duties of the PSOs include watching for and identifying sea otters, recording observation details, documenting presence in any applicable monitoring zone, identifying and documenting potential harassment, and working with operators to implement all appropriate mitigation measures.

(3) A sufficient number of PSOs will be available to meet the following criteria: 100 percent monitoring of exclusion zones during all daytime periods of underwater noise-generating work; a maximum of 4 consecutive hours on watch per PSO; a maximum of approximately 12 hours on watch per day per PSO.

(i) All PSOs will complete a training course designed to familiarize individuals with monitoring and data collection procedures. This training will be completed prior to starting work. A field crew leader with prior experience as a sea otter observer will supervise the PSO team. Initially, new or inexperienced PSOs will be paired with experienced PSOs so that the quality of marine mammal observations and data recording is kept consistent. Resumes for candidate PSOs will be made available for the FWS to review.

(4) Observers will be provided with reticule binoculars (7×50 or better), big-eye binoculars or spotting scopes (30×), inclinometers, and range finders. Field guides, instructional handbooks, maps, and a contact list will also be made available.

(5) Observers will collect data using the following procedures:

(i) All data will be recorded onto a field form or database.

(ii) Global positioning system data, sea state, wind force, and weather will be collected at the beginning and end of a monitoring period, every hour in between, at the change of an observer, and upon sightings of sea otters.

(iii) Observation records of sea otters will include date; time; the observer's locations, heading, and speed (if moving); weather; visibility; number of animals; group size and composition (adults/juveniles); and the location of the animals (or distance and direction from the observer).

(iv) Observation records will also include initial behaviors of the sea otters, descriptions of project activities and underwater sound levels being generated, the position of sea otters relative to applicable monitoring and mitigation zones, any mitigation measures applied, and any apparent reactions to the project activities before and after mitigation.

(v) For all sea otters in or near a mitigation zone, observers will record the distance from the sound source to the sea otter upon initial observation, the duration of the encounter, and the distance at last observation in order to monitor cumulative sound exposures.

(vi) Observers will note any instances of animals lingering close to or traveling with vessels for prolonged periods of time.

(6) Monitoring of the shutdown zone must continue for 30 minutes following completion of pile installation.

E. Measures To Reduce Impacts to Subsistence Users

Prior to conducting the work, Trident will take the following steps to reduce potential effects on subsistence harvest of sea otters:

(1) Avoid work in areas of known sea otter subsistence harvest;

(2) Discuss the planned activities with subsistence stakeholders including Southwest Alaska villages and traditional councils;

(3) Identify and work to resolve concerns of stakeholders regarding the project's effects on subsistence hunting of sea otters; and

(4) If any concerns remain, develop a POC in consultation with the FWS and subsistence stakeholders to address these concerns.

F. Reporting Requirements

(1) Trident must notify the FWS at least 48 hours prior to commencement of activities.

(i) Monthly reports will be submitted to the FWS's Marine Mammal Management office (MMM) for all months during which noise-generating work takes place. The monthly report will contain and summarize the following information: dates, times, weather, and sea conditions (including the Beaufort Scale sea state and wind force conditions) when sea otters were sighted; the number, location, distance from the sound source, and behavior of the sea otters; the associated project activities; and a description of the implementation and effectiveness of mitigation measures with a discussion of any specific behaviors the sea otters exhibited in response to mitigation.

(2) A final report will be submitted to the FWS's MMM within 90 days after completion of work or expiration of the IHA. The report will include:

(i) A summary of monitoring efforts (hours of monitoring, activities monitored, number of PSOs, and, if requested by the FWS, the daily monitoring logs).

(ii) A description of all project activities, along with any additional work yet to be done. Factors influencing visibility and detectability of marine mammals (*e.g.,* sea state, number of observers, and fog and glare) will be discussed.

(iii) A description of the factors affecting the presence and distribution of sea otters (*e.g.,* weather, sea state, and project activities). An estimate will be included of the number of sea otters exposed to noise at received levels greater than or equal to 160 dB (based on visual observation).

(iv) A description of changes in sea otter behavior resulting from project activities and any specific behaviors of interest.

(v) A discussion of the mitigation measures implemented during project activities and their observed effectiveness for minimizing impacts to sea otters. Sea otter observation records will be provided to the FWS in the form of electronic database or spreadsheet files.

(3) Injured, dead, or distressed sea otters that are not associated with project activities (*e.g.,* animals known to be from outside the project area,

previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must be reported to the FWS within 24 hours of the discovery to either the FWS's MMM (1–800–362–5148, business hours); or the Alaska SeaLife Center in Seward (1–888–774–7325, 24 hours a day); or both. Photographs, video, location information, or any other available documentation must be provided to the FWS.

(4) All reports shall be submitted by email to *fw7_mmm_reports@fws.gov*.

Trident must notify the FWS upon project completion or end of the work season.

Request for Public Comments

If you wish to comment on this proposed authorization, the associated draft environmental assessment, or both documents, you may submit your comments by either of the methods described in **ADDRESSES**. Please identify if you are commenting on the proposed authorization, draft environmental assessment, or both, make your comments as specific as possible, confine them to issues pertinent to the proposed authorization, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph that you are addressing. The FWS will consider all comments that are received before the close of the comment period (see **DATES**). The FWS does not anticipate extending the public comment period beyond the 30 days required under section 101(a)(5)(D)(iii) of the MMPA.

Public Availability of Comments

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, 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 hardcopy document to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nichole Bjornlie,

Acting Assistant Regional Director for Fisheries and Ecological Services, Alaska Region.

[FR Doc. 2025–08016 Filed 5–7–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040078; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, telephone (352) 273–1921, email *megan.fry@floridamuseum.ufl.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 429 individuals have been identified from the Palmer Burial Mound/Historic Spanish Point (8SO2/8SO2a), in Sarasota County, Florida. The 1,319 associated funerary objects include pottery fragments, shells, lithics, botanicals, glass, and faunal bone.

Excavations were carried out at the Palmer Burial Mound in 1959, 1960, and 1962 by Ripley P. and Adelaide Bullen of the Florida Museum of Natural History (Bullen and Bullen 1976:35–47). Their report indicates the site is of the Manasota Weeden Island culture dating ca. A.D. 250–750. Accession 4193 included excavations by Ripley P. and Adelaide Bullen in 1959–1960; at least 205 identified Ancestor burials, including burials with multiple individuals co-interred, three dog burials, and cultural belongings. Acc 4336 occurred in 1962 as a continuation of museum excavations of Palmer Burial Mound (8SO2a). This excavation produced at least 143 Ancestor burials, two dog burials, and an alligator burial, and cultural belongings. An additional accession (FM EAP 53), Marquardt and affiliates in 1991, under contract with Archaeological Consultants Incorporated (ACI) and funded by the Spanish Point State Park and a State of Florida Education Grant, excavated at the Palmer Site. However, that excavation did not include burial contexts and there were no Ancestors present. In total, five sites were excavated: (1) Hill Cottage Midden (Archaic 2500–1000 BC), (2) Shell Ridge, (3) Shell Midden (200 BC–A.D. 150), (4) Burial Mound, (5) North Creek Area middens.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice to be associated with the Seminole Tribe of Florida.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of 429 individuals of Native American ancestry.
- The 1,319 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08027 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040079; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Illinois Urbana-Champaign, Champaign, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Illinois Urbana-Champaign has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Krystiana Krupa, University of Illinois Urbana-Champaign, 601 E. John Street, Champaign, IL 61820, telephone (217) 244–2587, email *klkrupa@illinois.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Illinois Urbana-Champaign, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. No associated funerary objects are present. The Conway site (45Sk59), a shell midden located in the Skagit River delta, was excavated as part of salvage projects by the University of Washington in 1969 and 1970. Based on University records, it is unclear how the individuals described in this Notice came to arrive at the University of Illinois Urbana-Champaign. University personnel are not aware of any potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The University of Illinois Urbana-Champaign has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Stillaguamish Tribe of Indians of Washington; Swinomish Indian Tribal Community; Tulalip Tribes of Washington; and the Upper Skagit Indian Tribe.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the University of Illinois Urbana-Champaign must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The University of Illinois Urbana-Champaign is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08029 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040073; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Office of the State Archaeologist, University of Iowa, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Office of the State Archaeologist Bioarchaeology Program (OSA BP) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Lara Noldner, Office of the State Archaeologist Bioarchaeology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, telephone (319) 384–0740, email *lara-noldner@uiowa.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the OSA BP and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

At an unknown date, possibly in the 1930s, human remains representing a minimum of one individual were removed from an unknown location near St. Johns in Apache County, AZ. The remains were taken by a resident of Scottsdale, AZ and were later given to the Greene County Historical Society in Jefferson, Iowa. Museum records describe the individual as affiliated with the ''Anasazi people in Arizona''. The human remains were transferred to the OSA BP in 2005. The cranial remains represent an adult female, approximately 20 to 35 years old (Burial Project 1942). No associated funerary objects are present. No potentially hazardous substances were used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico, & Utah; Tonto Apache Tribe of Arizona; White Mountain Apache of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the OSA BP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The OSA BP is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08039 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040074; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) has completed an inventory associated funerary objects and has determined that there is a cultural affiliation between the associated funerary object and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary object in this notice may occur on or after June 9, 2025.

ADDRESSES: Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495–4203, email *krichardson@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, one associated funerary object has been found to be associated with human remains listed in a Notice of Inventory Completion published in the **Federal Register** on September 13, 2007 (72 FR 52390–52391) and repatriated. The associated funerary object is one chert triangular point. In 1914, Mr. Edwin J. Blakeslee collected a human skull (964.G.255) with an embedded arrowpoint (964.G.603) from Amazonia Mound, north of St. Joseph, MO. The human remains with the embedded arrowpoint were given to the Dyer Museum at an unknown date, before making its way to the St. Joseph Museum also at an unknown date. Sometime between 1930–1943, St. Joseph Museum's curator Mr. Oscar Branson gave or sold the cultural items to Mr. John G. Braecklein who gifted the items to the Southwest Museum (now part of the Autry Museum). The arrowpoint was gifted in 1944, a year after the human remains and was given its own object number.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary object described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the associated funerary object described in this notice and the Iowa Tribe of Kansas and Nebraska and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary object in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary object in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary object are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08040 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040083; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Mark Wheeler, Chief of Staff to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460–0490, email *mark.wheeler@csus.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 442 cultural items have been requested for repatriation. The 442 objects of cultural patrimony include flaked and ground stones; faunal and floral remains; modified stone, shell and wood objects; unmodified stones; historic materials; manuports; geologic samples; and pigments. Of this number, at least 10 objects are currently missing from the collections. California State University, Sacramento continues to look for any missing objects. These objects were removed from several sites in Calaveras County in the 1960's and 1970's as the result of various survey and excavation projects carried out near San Domingo Creek, the Stanislaus River, and other locations by California State University, Sacramento students J. Michael McEachern, Louis Payen, Michael Rondeau, and Judy Rose. These sites include CAL–693/H (also known as Murphy's Rancheria), CAL–1073 (also known as the Avery Site), CAL–1256, CAL–1258, CAL–1261, CAL-Dead Horse Flat #1, CAL-Skunk Gulch #1, CAL-Skunk Gulch #2, CAL-Unknown (also known as 4–282), CAL-Unknown (also known as 4–283), CAL-Unknown (also known as 4–284), CAL-Unknown (also known as 4–259), CAL-Unknown (also known as 4–262 or 5–262), CAL-Unknown (also known as 4–263 or 5–263), CAL-Unknown (also known as 4–267 or 5–267), CAL-Unknown (also known as 4–270 or 5–270), CAL-Unknown (also known as 4–271 or 5–271), CAL-Unknown (near San Domingo Creek), CAL-Cook Ranch, CAL-Browns Cave, CAL-Unknown (also known as Cal 258), CA-CAL-Vallecito Quarry Site. These objects have since been housed at the California State University, Sacramento under accessions 81–372, 81–342, 81–422, 81–371, 81–376, 81–356, 81–434, 81–431, 81–437, 81–438, 81–439, 81–433, 81–370, 81–373, 81–424, 81–374, 81–423, 81–436, 81–440, 81–435, 81–432, and 81–86.

A total of 79 cultural items have been requested for repatriation. The 79 objects of cultural patrimony include flaked and ground stones; modified stone and shell objects; faunal remains; historic materials; and baskets. Of this number, at least six objects are currently missing from the collection. California State University, Sacramento continues to look for any missing objects. In 1970's, Mark Grady donated 78 objects to the University's Anthropology Museum from several sites in Calaveras County that include Camanche Dam, Angel's Camp, Avery's Dump, Snowshoe Springs, Winslow Ranch, Murphy's Burial Ground, Fly-in-Acres, and unknown locations in Calaveras County. They have since been housed at the University under accession 1974–18. The estate of Anthony Zallio donated a single basket from an unknown location in Calaveras County to the Anthropology Museum in the 1950's. It has since been housed at the University under accession 1974–29.

Determinations

The California State University, Sacramento has determined that:

- The 521 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and the California Valley Miwok Tribe, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08032 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040066; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mercyhurst University, Erie, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Mercyhurst University has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Anne Marjenin, Mercyhurst University, 501 East 38th Street, Erie, PA 16546, telephone (814) 824–2012, email *nagpra@mercyhurst.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Mercyhurst University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. On an unknown date, the individual (TN–DV–TIN–0001) was removed from a location in the vicinity of Nashville, Davidson County, Tennessee. On an unknown date, the individual was obtained by Raymond C. Vietzen (1907–1995). Vietzen, an avocational archaeologist, collector, and author, established the Indian Ridge Museum in Elyria, Ohio, and the Archaeological Society of Ohio (formerly the Ohio Indian Relic Collectors Society). The Indian Ridge Museum, founded in the 1930s, served as Vietzen's laboratory and repository, and it remained in operation until the mid-1990s. After Vietzen's death, the facility fell into disrepair, and most of the items he had acquired and housed at the museum were sold. In 1998, the Ohio Historical Society (presently the Ohio History Connection) removed ancestral human remains and some of the remaining items from the facility and temporarily housed them at the Ohio Historical Society. In October of 2003, these remains were transferred from the Ohio Historical Society to Mercyhurst College (presently Mercyhurst University).

While there is no record regarding potentially hazardous substances having been used to treat the human remains, an unidentified adhesive is present. It is unknown when the adhesive was applied.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

Mercyhurst University has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Muscogee (Creek) Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, Mercyhurst University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. Mercyhurst University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08047 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040070; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Davis (UC Davis) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Megon Noble, NAGPRA Project Manager, University of California, Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616, telephone (530) 752–8501, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, five individuals have been identified.

The 20 associated funerary objects are eight lots of soil or clay samples, five lots of carbon and charcoal samples, three lots of miscellaneous ground stone, one pestle, one mortar, one lot of ochre, and one lot of unidentified missing material. Yolo County Central Landfill employees and UC Davis archaeologists removed burials and funerary objects from CA–YOL–171, the Yolo Landfill Cemetery Site from May to July 1981, after an inadvertent discovery during the excavation of a new waste management pit. Three burials were removed, along with human remains not part of formal burials. The material was brough to UC Davis for study and curation upon excavation. In addition, a fourth burial was uncovered near the other three burials but was not removed by UC Davis.

The landfill expanded the waste management pit in 1991. Eleanor Derr of Cultural Resources Unlimited performed a pedestrian field survey and cultural resources study, which uncovered only one piece of ground stone. This ground stone was brought to UC Davis for curation in February 1992. UC Davis Accession 419 is comprised of materials from both the 1981 and 1991 investigations. The University is unaware of any treatment of the associated funerary objects with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

UC Davis has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 20 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (*previously* listed as Kletsel Dehe Band of Wintun Indians); and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08036 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040075; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495–4203, email *krichardson@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three lots of cultural items have been requested for repatriation. The number of unassociated funerary objects is three lots of trade beads. On an unknown date, Mr. Gustave A.L. Heimann collected the cultural items from Concow (Konkow) Cemetery, Yankee Hill, Feather River in Butte County, CA. Mr. Heimann gifted the cultural items in 1959 to the Southwest Museum (now part of Autry Museum of the American West). The Berry Creek Rancheria of Maidu Indians of California (a federally recognized tribe) is claiming cultural affiliation for the unassociated funerary objects on behalf of KonKow Valley Band of Maidu (a non-federally recognized Tribe).

Determinations

The Autry Museum of the American West has determined that:

- The three lots of unassociated funerary objects described above are reasonably believed to have been placed intentionally with or near individual human remains, and are connected, either at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Berry Creek Rancheria of Maidu Indians of California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08041 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040077; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Longyear Museum of Anthropology, Colgate University, Hamilton, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Longyear Museum of Anthropology (LMA) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Kelsey Olney-Wall, Repatriation Manager, Longyear Museum of Anthropology, Colgate University, 13 Oak Drive, Hamilton, NY 13346, telephone (315) 228–7677, email *kolneywall@colgate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 40 cultural items have been requested for repatriation. The 40 unassociated funerary objects are shell beads. The Smithsonian National Museum of Natural History, formerly the United States National Museum (USNM) donated the items to the LMA in 1955. The shell beads were removed from the Woodruff Ossuary site (14PH4) in Phillips County, Kansas during a River Basin Survey (RBS) by Marvin F. Kivett in November 1946. The LMA does not have any information regarding the presence of any potentially hazardous substances used to treat any of the cultural items.

Determinations

The LMA has determined that:

- The 40 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Pawnee Nation of Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08026 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040069; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Mark R. Wheeler, Senior Advisor to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460–0490, email *mark.wheeler@csus.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from an unknown location in Marin County, California. The human remains were likely found in Sausalito, CA. It is not known how they came into Sacramento State's possession, but they have been housed at the University under accession 81–CSUS–197.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Federated Indians of Graton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08035 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040071; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Mukwonago Community Library, Mukwonago, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Mukwonago Community Library (MCL) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Abby Armour, Mukwonago Community Library, 511 Division Street, Mukwonago, WI 53149, telephone (262) 363–6411, email *nagpra@mukwonagolibrary.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of MCL, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two unassociated funerary objects are one stone discoidal (G0034) and one banner stone (G00474). The stone discoidal was removed from Erie County, PA and the banner stone was removed from York County, PA. Both were bequeathed to the Mukwonago Community Library by Arthur Grutzmacher, a local collector and dealer, following his death in 1965.

Determinations

MCL has determined that:

- The two unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Delaware Nation, Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, MCL must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. MCL is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08037 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040084; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA and East Bay Municipal Utility District, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento, and East Bay Municipal Utility District (EBMUD) have completed an inventory of human remains and associated funerary objects and have determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Mark Wheeler, Chief of Staff to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460–0490, email *mark.wheeler@csus.edu* and Charles Beckman, Manager of Watershed and Recreation, East Bay Municipal Utility District, 15083 Camanche Parkway South, Valley Springs, CA 95252, telephone (209) 772–8203, email *charles.beckman@ebmud.com*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and EBMUD, and additional information on the determinations in this notice, including the results of consultation, can be found in their inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, 90 individuals were removed from CA–CAL–185 (also known as Camanche Creek Cave), CA–CAL–191 (also known as Cook Ranch #6), CA–CAL–198 (also known as Canal Cave), CA–CAL–217 (also known as Hagar Village), CA–CAL–224 (also known as the Dance House Site or No Name Creek), and CA–CAL–237 (also known as the Old Bridge Site). The 45,740 associated funerary objects removed from these sites include baked clay objects; flaked and ground stones; unmodified stones; historic materials; faunal and floral remains; modified bone, stone, shell, and wood objects; pigments; geologic samples; coprolites; thermally altered rocks; manuports; ash; charcoal samples; unidentified objects; soil samples; and slag. Of this number, at least 807 objects are currently missing from the collections. California State University, Sacramento continues to look for any missing objects. These human remains and associated funerary objects were removed from the sites listed above during surveys and excavations conducted in the 1950s and 1960s prior to the inundation of Camanche Reservoir under the direction of California State University, Sacramento faculty and students William Beeson, Jerald Johnson, Louis Payen, William Hansen, and David Boloyan. They have since been housed at the California State University, Sacramento under accession numbers 81–195, 81–429, 81–197, 81–199, 81–425, and 81–194.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The California State University, Sacramento and EBMUD have determined that:

- The human remains described in this notice represent the physical remains of 90 individuals of Native American ancestry.
- The 45,740 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the California State University, Sacramento and EBMUD must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The California State University, Sacramento and EBMUD are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08033 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040068; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Los Rios Community College District, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Los

Rios Community College District (LRCCD) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Jamey Nye, Los Rios Community College District, 1919 Spanos Court, Arden-Arcade, CA 95825, telephone (916) 568–3031, email *nagpra@losrios.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of LRCCD, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, two individuals have been reasonably identified. On November 28, 1994, the human remains were found by Public Works employees who were checking the area for storm related debris on Auburn Blvd., Sacramento, California. The coroner's report states that the individuals were found with one square nail, but the one square nail was not removed with the individuals. On March 22, 1995, the Sacramento County Coroner donated the individuals to the Anthropology department at American River College, one of four campuses within LRCCD. No associated funerary objects are present.

Based on the information available, human remains representing, at least, four individuals have been reasonably identified. On an unknown date, the human remains were removed from the Sacramento area by Jeremiah B. Lillard who was the president of Sacramento Junior College, now Sacramento City College, between 1923 and 1940. Sacramento City College is one of four campuses within LRCCD. In January 2024, the individuals were located in the Sacramento City College Geology department during a campus-wide audit of collections. The individuals were located in a box that was labeled ''Series of Indian Jaws: showing development of dentition. Collected from Indian mounds in the vicinity of Sacramento, California. Collection loaned by J.B Lillard''. No associated funerary objects are present.

Based on the information available, human remains representing, at least, one individual have been reasonably identified. In 2023, the human remains were located on the American River College campus during a campus wide audit of their collections. In consultation with local Tribes, it was determined that the human remains were likely from the Sacramento area. No associated funerary objects are present.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

LRCCD has determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, LRCCD must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. LRCCD is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08049 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040080; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan has completed an inventory of human remains (hereinafter referred to as ''Ancestral remains'' or ''Ancestors'') and associated funerary objects and has determined that there is a cultural affiliation between the Ancestral remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the Ancestral remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, telephone (734) 615–8936, email *bsecunda@umich.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestral remains representing, at least, seven individuals have been identified. The 17 associated funerary objects are one lot of Stiegel glass bottle with metal cap and painted decoration; one lot of pewter vessel fragments; one lot of two brass vessels; one lot of brass ring (from a vessel); one lot of metal nozzle; one lot of Florentine double-barred cross; one lot of chert scraper; one lot of unworked animal bone fragments; one lot of unworked animal bone fragments; one lot of historic ceramic pipe stem/bowl fragment; one lot of brass bracelet; three lots of earthenware sherds; one lot of lithic flake; one lot of bifacially worked stone; and one lot of unworked shell fragment. On July 23rd, 1923, the Ancestral remains and objects were found by workmen on the property of Captain Smith during excavations for a cellar and donated to University of Michigan Museum of Anthropological Archaeology by one of the workmen. The site is multicomponent without continuous occupation, dating to the Late Historic period A.D. 1772–1820 and Late Late Woodland period A.D. 1200–1400, based on diagnostic artefacts. The Ancestors and associated funerary objects were removed from the Harsen's Island site (20SC2) in St. Clair Co, MI. The Ancestors are one perinate, one child 2–4 years, one juvenile, one adolescent 16–19 years, one adult 22–45 years female, one adult 40+ years male, and one cremated adult.

Ancestral remains representing, at least, 18 individuals have been identified. The 10 associated funerary objects are one lot of unworked antler fragment; one lot of lithic biface; one lot of chert flakes; one lot of unworked quartz pebbles; one lot of fire cracked rock; one lot of cremated and non-cremated faunal bone and shell fragments; two lots of earthenware sherds; one lot of debitage; and one lot of unworked animal bone. In 1963 the Ancestors and associated funerary objects were inadvertently uncovered during sand removal for road construction in Saint Clair County, Michigan, from the Hunter Site (20SC30). At the request of the property owner, the site was then salvage excavated by archaeologists from the University of Michigan Museum of Anthropological Archaeology. Dating for the site is to the Late Woodland A.D. 800–1400, based on diagnostic artifacts from the site. The Ancestors are an adult 30–55 years with osteoarthritis; an infant; an adult 40+ years possible male with osteoarthritis; an adolescent 16–20 years with a possible underlying infection; a child 6–10 years; a child 4–6 years; an adolescent 13–15 years; a child 7.5–12.5 years with a possible underlying infection; an adolescent 14–15 years; a cremated adult 40+ years; a cremated adult; an adult 45+ years; an adult 24–35 years female; an adult; an adult male; an adult possible male with a possible healed fracture, porosity on pelvis, and osteoarthritis; an adult 30+ years possible female with porosity on pelvis; an adolescent 11–17 years with porosity on femora.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of items with pesticides, preservatives, or other substances that represent a potential hazard to the collection(s) or to persons handling the collection(s).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the Ancestral remains and associated funerary objects described in this notice.

Determinations

The University of Michigan has determined that:

- The Ancestral remains described in this notice represent the physical remains of 25 individuals of Native American ancestry.
- The 27 objects described in this notice are reasonably believed to have been placed intentionally with or near individual Ancestral remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the Ancestral remains and associated funerary objects described in this notice and the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Shell Tribe of Chippewa Indians of Montana; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians; Seneca-Cayuga Nation; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation.

Requests for Repatriation

Written requests for repatriation of the Ancestral remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the Ancestral remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the Ancestral remains and associated funerary objects

are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08030 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040065; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Center for the History of Medicine in the Francis A. Countway Library of Medicine, Harvard University, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Center for the History of Medicine, Francis A. Countway Library of Medicine, Harvard University (CHM) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Jane Pickering, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–2374, email *jpickering@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the CHM, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified. The two associated funerary objects are two worked bone items, which are under the control of and reported by the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE), in a separate notice. The individuals were removed from a mound in ''Dakota,'' *i.e.,* the Dakota Territory, representing present-day North and South Dakota, by Daniel Frank Whitten, D.M.D, at an unknown date, but likely between 1878 and 1891. Whitten transferred the individuals to Frank T. Taylor, D.M.D., at an unknown date, and Taylor donated the individuals to the Harvard Dental School Museum (HDSM) in 1899. Sometime between 1940 and 2000, the individuals were transferred from the HDSM to the Warren Anatomical Museum at the Harvard Medical School (now the CHM) when the HDSM was dissolved. Additional human remains from this mound are under the control of and reported by the PMAE in a separate notice.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The CHM has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe; Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the CHM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The CHM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08046 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040082; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects

in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Mark Wheeler, Chief of Staff to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460–0490, email *mark.wheeler@csus.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at minimum, 14 individuals have been identified. The 18,830 associated funerary objects consist of flaked and ground stones; faunal and floral remains; geologic samples; unmodified stones; historic materials; modified bone, shell, stone, and wood objects; pigments; manuports; and thermally altered rocks. Of this number, at least 425 objects are currently missing from the collections. California State University, Sacramento continues to look for any missing objects. These human remains and associated funerary objects were removed from CA–CAL–9, CAL–13, CAL–99, CAL–1255, CAL–1257, and CAL-Cabin Site. They came into the University's possession through surveys and excavations conducted in the 1960s and 1970s by California State University, Sacramento students J. Michael McEachern, Louis Payen, and Judy Rose in Calaveras County near San Domingo Creek and the Stanislaus River. Donations made by landowners from sites in these same areas were also received by the University. These human remains and associated funerary objects have since been housed at the University under accession numbers 81–344, 81–377, 81–352, 81–15, 81–16, 81–369, and 81–17.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The California State University, Sacramento has determined that:

- The human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- The 18,830 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the California State University, Sacramento must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The California State University, Sacramento is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08031 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040072; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Office of the State Archaeologist, University of Iowa, Iowa City, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Office of the State Archaeologist Bioarchaeology Program (OSA BP) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Lara Noldner, Office of the State Archaeologist Bioarchaeology Program, University of Iowa, 700 S Clinton Street, Iowa City, IA 52242, telephone (319) 384–0740, email *lara-noldner@uiowa.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the OSA BP and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at minimum of one individual were taken from near Prescott, AZ in Yavapai County. The human remains were removed at an unknown time by an unknown individual prior to 1958. In 1958, the remains were transferred to the Sanford Museum and Planetarium in Cherokee, IA by a private citizen who had acquired the human remains from a friend. In January of 2021 the human remains were transferred from the Sanford Museum to OSA BP. The individual is a middle-aged adult male represented by a complete crania and mandible (Burial Project 3560). No associated funerary objects are present. No potentially hazardous substances were used to treat the human remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location and acquisition history of the human remains described in this notice.

Determinations

The OSA BP has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Fort Mojave Indian Tribe of Arizona, California & Nevada; Hopi Tribe of Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Pascua Yaqui Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Yavapai-Prescott Indian Tribe; and the Zuni Tribe of the Zuni Reservation, New Mexico.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the OSA BP must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The OSA BP is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08038 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040063; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Great Smoky Mountains National Park, Gatlinburg, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Great Smoky Mountain National Park (GRSM) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Charles Sellars, Superintendent, Great Smoky Mountains National Park, 107 Park Headquarters Road, Gatlinburg, TN 37738, telephone (865) 8436–1200, email *charles_sellars@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of GRSM and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 4,506 unassociated funerary objects have been requested for repatriation. These include faunal remains and faunal fragments, shell and shell fragments, ceramics and sherds, lithics and lithic fragments, stone and stone tools, beads and bead fragments, ear spools, pipe and pipe fragments, metal knife fragments, metal rings, trade musket fragments, and a chert knife with a provenience of various sites in Haywood, Jackson, and Swain counties, North Carolina (31HW188, 32JK3, 31SW1, 31SW53, 31SW67, 31SW90, 31SW150, 31SW154) and Blount and Sevier counties, Tennessee (40BT8, 40SV127, 40SV126). All the objects were acquired between 1935 and 1942 with the exception of all the objects from 40BT8 which were donated in 1960, and one object collected from private land and donated in 1991. No hazardous substances are known to have been used to treat the cultural items.

Determinations

GRSM has determined that:

- The 4,506 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, GRSM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. GRSM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in

this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08044 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040076; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after June 9, 2025.

ADDRESSES: Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, telephone (323) 495–4203, email *krichardson@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual has been reasonably identified. No associated funerary objects are present. In 1941, Mrs. Caroline Gill collected a human cranium from a site near Biggs, in Butte County, Sacramento Valley, CA. Mrs. Gill gifted the cultural item in 1942 to the Southwest Museum (now part of the Autry Museum of the American West). Currently, the human remains are missing/not located. The Berry Creek Rancheria of Maidu Indians of California (federally recognized tribe) is claiming cultural affiliation for the human remains on behalf of KonKow Valley Band of Maidu (a non-federally recognized Tribe).

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a reasonable connection between the human remains described in this notice and the Berry Creek Rancheria of Maidu Indians of California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08042 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040062; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California Department of Transportation, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California Department of Transportation (Caltrans) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Lindsay Busse PQS Principal Investigator, Prehistoric Archaeology, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, CA 94612, telephone (510) 847–1977, email *lindsay.busse@dot.ca.gov* and Althea Asaro, PQS Principal Investigator, Prehistoric Archaeology, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, CA 94612, telephone (510) 847–2178, email *althea.asaro@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Caltrans, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 16 individuals have been identified. The

12,235 associated funerary objects are catalog entries representing lithics, paleobotanicals, soil samples, faunal remains, shell, shell and beads, light fraction samples, ground stone, baked clay, and post-contact artifacts. Of the 12,235 associated funerary objects, 329 catalog numbers are missing and Caltrans and Sonoma State University (SSU) continue to look for them. These collections are from Napa County along Highway 29 and 121 and are housed at SSU. The collections are the result of Caltrans project-delivery related excavations at the following sites between 1974 and 2019: CA–NAP–15/H (Acc. 78–19, 79–14, 74–06, 79–28, & 77–15); CA–NAP–518 (Acc. 78–6); CA–NAP–39 (Acc. 2019–001 & 99–06). There are no known/documented potentially hazardous substances used to treat any of the cultural items.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

Caltrans has determined that:

- The human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- The 12,235 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between associated funerary objects described in this notice and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, Caltrans must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. Caltrans is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08043 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040064; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University (PMAE) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Deanna Byrd, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 384–0672, email *deannabyrd@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the PMAE, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present. The individual was removed from a hill overlooking the Missouri River in Bismarck, Burleigh County, ND, by George F. Will in 1910 and donated to the PMAE by Will the same year.

Human remains representing, at least, 22 individuals have been identified. The two associated funerary objects are two worked bone items. The individuals and associated funerary objects were removed from a mound in ''Dakota,'' *i.e.,* the Dakota Territory, representing present-day North and South Dakota, by Daniel Frank Whitten, D.M.D, at an unknown date, but likely between 1878 and 1891. Whitten transferred the individuals and associated funerary objects to Frank T. Taylor, D.M.D., at an unknown date, and Taylor donated the ancestors and associated funerary objects to the Harvard Dental School Museum (HDSM) in 1899. In 1936, the HDSM transferred the individuals and associated funerary objects to the PMAE. Additional human remains from this mound are under the control of and reported by the Center for the History of Medicine, Francis A. Countway Library of Medicine, Harvard University, in a separate notice.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The PMAE has determined that:

- The human remains described in this notice represent the physical remains of 23 individuals of Native American ancestry.
- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe; Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the PMAE must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The PMAE is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08045 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040067; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State Historical Society, Topeka, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kansas State Historical Society (KSHS) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Nicole Klarmann, Kansas State Historical Society, 6425 SW 6th Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681, email *kshs.nagpra@ks.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the KSHS, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, two individuals have been identified from the Taylor Mound site (14DP3) in Doniphan County, KS (UBS 1991–44). The one associated funerary object is a deer tooth. The site sits on a bluff near the Kansas River. An individual excavated part of this site and transferred the remains and funerary object to KSHS in 1914. Future excavations and research by KSU involved radiocarbon dating on charcoal and burned wood and the site was found to be associated with the Middle Woodland period with an average time period of 100 CE. Pottery was also found that showed continued usage of the site into the late prehistoric period (Central Plains Tradition), 1100–1350 CE. To our knowledge, no known hazardous substances were used to treat any of the human remains or associated funerary objects.

Through Tribal consultation, this individual was identified as culturally affiliated with the Iowa Tribe of Kansas and Nebraska and Kaw Nation, Oklahoma, based off the following types of information: expert opinion, geographical information, historical information, and oral tradition.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary object described in this notice.

Determinations

The KSHS has determined that:

- The human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- The one object described in this notice is reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary object described in this notice and the Iowa Tribe of Kansas and Nebraska and the Kaw Nation, Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the KSHS must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The KSHS is responsible for sending a copy of this notice to the Indian Tribes and Native

Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08048 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040086; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Florida, Florida Museum of Natural History, Gainesville, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Florida, Florida Museum of Natural History (FLMNH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after June 9, 2025.

ADDRESSES: Megan Fry, University of Florida, Florida Museum of Natural History, 1659 Museum Road, Gainesville, FL 32611, telephone (352) 273–1921, email *megan.fry@floridamuseum.ufl.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the FLMNH, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, 13 individuals have been identified from the Casey Key/Synder Site (8SO17), in Sarasota County, Florida. The 80 associated funerary objects include fragmentary pottery, wood, stone, shell, glass, faunal bone, botanicals and soil.

This burial mound and accompanying shell ridge were located along the water's edge. The site was severely disturbed by development and construction. It dates to the Weedon Island period and is believed to have been contemporary with the Palmer Burial Mound site. Ripley P. Bullen and Adelaide K. Bullen visited the site in 1959, learning that the site had been looted by school students who sold the human remains they found sometime in the 1940s and in 1985 Marquardt again assessed the sites history while conducting archaeological reconnaissance on Casey Key, Sarasota, Florida.

The site came to the FLMNH through various accessions. Accession 3923 was collected by Hilton Leech on January 31, 1954, from a shell drift and presented the artifacts to FLMNH. Accession 3942 was again collected by Hilton Leech from a burial mound on August 9, 1955, and presented to the FLMNH. Accession 76–70 was transferred from the University of Florida Department of Anthropology in the summer of 1976. Accession 71–51 was a bulk transfer from the University of Florida Anthropology department. Accession 2000–4 was excavated by William H. Marquardt and Karen Jo Walker at a construction site on Donald Snyder's property on June 18, 1985. The construction firm working on the property was called The Twitchell Group Architects, Sarasota. During the time of excavation, it was unclear if this site was a part of 8SO17 or a separate site, so they named it Snyder Site. It was determined that the site was in fact part of the 8SO17 accession of Casey Key and not a separate site. They returned to the site on September 9 to determine that the site was a part of 8SO17. Accession 2002–63 was first donated to Carlyle Luer, reportedly collected from Casey Key burial mound during the 1950s and in December of 2003, the collection was donated to the FLMNH by George Luer.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice to be associated with the Seminole Tribe of Florida.

Determinations

The FLMNH has determined that:

- The human remains described in this notice represent the physical remains of 13 individuals of Native American ancestry.
- The 80 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Seminole Tribe of Florida.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the FLMNH must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The FLMNH is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08028 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0040085; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA and East Bay Municipal Utility District, Oakland, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the California State University, Sacramento and East Bay Municipal Utility District (EBMUD) intend to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after June 9, 2025.

ADDRESSES: Dr. Mark Wheeler, Chief of Staff to President Luke Wood, California State University, Sacramento, 6000 J Street Sacramento, CA 95819, telephone (916) 460–0490, email *mark.wheeler@csus.edu* and Charles Beckman, Manager of Watershed and Recreation, East Bay Municipal Utility District, 15083 Camanche Parkway South, Valley Springs, CA 95252, telephone (209) 772–8203, email *charles.beckman@ebmud.com.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the California State University, Sacramento and EBMUD, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

The 1,092 cultural items have been requested for repatriation. The 1,092 objects of cultural patrimony include flaked and ground stones; faunal and flora remains; unmodified stones; historic objects; modified shell, bone, stone and wood objects; thermally altered rocks; soil samples; and unidentified materials. Of this number, at least three objects are currently missing from the collections. California State University, Sacramento continues to look for any missing objects. These objects were removed from several sites in Calaveras County, CA in the 1950s and 1960s as a result of various survey and excavation projects caried out under the direction of California State University, Sacramento faculty and students William Beeson, Jerald Johnson, Louis Payen, William Hansen, and David Boloyan prior to the inundation of Camanche Reservoir. These sites include CAL–105, CAL–186 (also known as Hidden Cave), CAL–188 (also known as Big Cave), CAL–194 (also known as Hole in Rock Cave), CAL–218 (also known as Cemetery One Cave), CAL–219 (also known as Pipe Line #1), CAL–231 (also known as two by four Cave), CAL-Little Creek, and unknown locations. The objects have since been housed at the California State University, Sacramento under accessions 81–427, 81–366, 81–367, 81–196, 81–198, 81–426, 81–428, 81–430, and 1974–30–82e.

Determinations

The California State University, Sacramento and EBMUD have determined that:

- The 1,092 objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a relationship of shared group identity that can be reasonably traced between the cultural items and the California Valley Miwok Tribe, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after June 9, 2025. If competing requests for repatriation are received, the California State University, Sacramento and EBMUD must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The California State University, Sacramento and EBMUD are responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: April 22, 2025.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2025–08034 Filed 5–7–25; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–757 and 731–TA–1737–1738 (Preliminary)]

Polypropylene Corrugated Boxes From China and Vietnam

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of polypropylene corrugated boxes from China and Vietnam, provided for in subheading 3923.10.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and imports of the subject merchandise from China that are alleged to be subsidized by the government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 90 FR 15544 and 90 FR 15555, April 14, 2025.

investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On March 18, 2025, CoolSeal USA Inc., Perrysburg, Ohio; Inteplast Group Corporation, Livingston, New Jersey; SeaCa Plastic Packaging, Kent, Washington; and Technology Container Corp., Desoto, Texas, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of polypropylene corrugated boxes from China and LTFV imports of polypropylene corrugated boxes from China and Vietnam. Accordingly, effective March 18, 2025, the Commission instituted countervailing duty investigation No. 701–TA–757 and antidumping duty investigation Nos. 731–TA–1737–1738 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 24, 2025 (90 FR 13497). The Commission conducted its conference on April 8, 2025. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 2, 2025. The views of the Commission are contained in USITC Publication 5622 (May 2025), entitled *Polypropylene Corrugated Boxes from China and Vietnam: Investigation Nos. 701–TA–757 and 731–TA–1737–1738 (Preliminary).*

By order of the Commission.

Issued: May 2, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–07993 Filed 5–7–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–733–736 and 731–TA–1702–1711 (Final)]

Corrosion-Resistant Steel Products From Australia, Brazil, Canada, Mexico, Netherlands, South Africa, Taiwan, Turkey, United Arab Emirates, and Vietnam; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty and antidumping and duty investigation Nos. 701–TA–733–736 and 731–TA–1702–1711 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of corrosion-resistant steel products from Australia, Brazil, Canada, Mexico, Netherlands, South Africa, Taiwan, Turkey, United Arab Emirates, and Vietnam, provided for in subheadings 7210.30.00, 7210.41.00, 7210.49.00, 7210.61.00, 7210.69.00, 7210.70.60, 7210.90.10, 7210.90.60, 7210.90.90, 7212.20.00, 7212.30.10, 7212.30.30, 7212.30.50, 7212.40.10, 7212.40.50, 7212.50.00, 7212.60.00, 7215.90.10, 7215.90.30, 7215.90.50, 7217.20.15, 7217.30.15, 7217.90.10, 7217.90.50, 7225.91.00, 7225.92.00, 7225.99.00, 7226.99.01, 7228.60.60, 7228.60.80, and 7229.90.10 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value and subsidized by the Governments of Brazil, Canada, Mexico, and Vietnam.

DATES: April 10, 2025.

FOR FURTHER INFORMATION CONTACT: Alejandro Orozco (202–205–3177), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating.'' [1]

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Brazil, Canada, Mexico, and Vietnam of corrosion-resistant steel products, and that such products from Australia, Brazil, Canada, Mexico, Netherlands, South Africa, Taiwan, Turkey, United Arab Emirates, and Vietnam are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on September 5, 2024, by Steel Dynamics, Inc., Fort Wayne, Indiana; Nucor Corporation, Charlotte, North Carolina; United States Steel Corporation, Pittsburgh, Pennsylvania; Wheeling-Nippon Steel, Follansbee,

[1] For Commerce's complete scope see 90 FR 15330, 15333, 15337, 15340, 15343, 15347, 15349, 15352, 15355, and 15359, April 10, 2025.

West Virginia; and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC, Washington, DC.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on July 29, 2025, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on August 12, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before August 6, 2025. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chair, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3:00 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on August 11, 2025. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on August 11, 2025. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is August 5, 2025. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is August 29, 2025. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before August 29, 2025. On September 18, 2025, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before September 22, 2025, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 2, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–07995 Filed 5–7–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1437]

Certain Dryer Wall Exhaust Vent Assemblies and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Finding the Sole Respondent in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge (''ALJ''), finding the sole respondent in default. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. 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: On February 6, 2025, the Commission instituted this investigation based on a complaint filed on behalf of InOvate Acquisition Company of Jupiter, Florida. 90 FR 9084 (Feb. 6, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, or sale within the United States after importation of certain dryer wall exhaust vent assemblies and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,953,230. *Id.* The complaint further alleges that an industry in the United States exists as required by section 337. *Id.* The Commission's notice of investigation named as the sole respondent Xiamen Dirongte Trading Co., Ltd. of Xiamen City, China (''Xiamen''). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On March 14, 2025, the ALJ issued an order directing Xiamen to show cause why it should not be found in default and why judgment should not be rendered against it for failing to respond to the complaint and notice of investigation. Order No. 6 (Mar. 14, 2025). The ALJ found that Xiamen had received notice of the complaint and notice of investigation by express delivery. *Id.* The ALJ further found that after receiving such notice, Xiamen did not respond or enter an appearance in the investigation. *Id.* Xiamen did not respond to Order No. 6.

On April 15, 2025, the ALJ issued Order No. 7, the subject ID, which found Xiamen, the sole respondent, in default pursuant to Commission Rule 210.16 (19 CFR 210.16). The ALJ found that because Xiamen failed to respond to the order to show cause, it necessarily failed to make the requisite showing of good cause to avoid default under the applicable rules. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID, and accordingly, Xiamen, the sole respondent has been found in default.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant is requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the date that the Asserted Patent expires, to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on May 19, 2025. All reply submissions must be filed no later than the close of business on May 26, 2025. All submission from third parties and/or interested government agencies are limited to 10 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR

210.4(f). Submissions should refer to the investigation number (Inv. No. 337–TA–1437) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on May 5, 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: May 5, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–08076 Filed 5–7–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1447]

Certain Drug Products Containing C-Type Natriuretic Peptide Variants and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 2, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of BioMarin Pharmaceutical Inc. of Novato, California. The complaint alleges violations 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 drug products containing C-type natriuretic peptide variants and components thereof by reason of the infringement of certain claims of U.S. Reissue Patent No. RE48,267 (the ''RE'267 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 2, 2025, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 15–20 and 31–48 of the RE'267 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''a prodrug of CNP, including the drug substance, the linker of the drug substance, and other components, such as the synthetic polymeric group, and vials, prefilled syringes, autoinjectors, or other presentations of TransCon CNP containing the same, for the treatment of achondroplasia'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. l337(d)(l), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

BioMarin Pharmaceutical Inc., 105 Digital Drive, Novato, CA 94949

(b) The respondents are the following entities alleged to be in violation of

section 337, and are the parties upon which the complaint is to be served:

Ascendis Pharma, Inc., 1000 Page Mill Road, Palo Alto, CA 94304

Ascendis Pharma A/S, Tuborg Boulevard 12, 2900 Hellerup, Denmark

Ascendis Pharma Growth Disorders A/S, Tuborg Boulevard 12, 2900 Hellerup, Denmark

Wacker Biotech GmbH, Hans-Knöll-Straße 3, 07745, Jena, Germany

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 2, 2025.

Susan Orndoff,

Supervisory Attorney.

[FR Doc. 2025–07994 Filed 5–7–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB 1140–0120]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Visitor Access Request—ATF Form 8620.71

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 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 30 days until June 9, 2025.

FOR FURTHER INFORMATION CONTACT: If you have 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: Niki Wiltshire, Personnel Security Division (PSD) by email at *Niki.Wiltshire@atf.gov,* or telephone at 202–648–9260.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, volume 90, page 2031, on Friday, January 10, 2025, allowing a 60-day comment period. 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 agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *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 and entering either the title of the information collection or the OMB Control Number 1140–0120. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *Title of the Form/Collection:* Visitor Access Request.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 8620.71.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected Public: State, local and tribal governments and Federal Government.

Abstract: The Visitor Access Request (ATF F 8620.71) is used to collect personally identifiable information to determine if representatives from other federal, state, and local agencies can be granted access to ATF facilities to conduct official business. Information Collection (IC) OMB 1140–0120 is being revised to include the decrease of respondents since the last renewal from 2,000 to 900 resulting in a decrease in the total burden hours from 167 to 75. The privacy act statement for this ICR has also been updated.

5. *Obligation To Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 900 respondents.

7. *Estimated Time per Respondent:* 0.0833 hours.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 75 total hours.

10. *Total Estimated Annual Other Costs Burden:* $4,009.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: May 5, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–08081 Filed 5–7–25; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0071]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; National Use-of-Force Data Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Federal Bureau of Investigation (FBI), 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. The proposed information collection was previously published in the **Federal Register** on April 4, 2025, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until June 9, 2025.

FOR FURTHER INFORMATION CONTACT: If you have 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: Linda Shriver, Acting Unit Chief, Crime and Law Enforcement Statistics Unit, FBI, CJIS Division, Module D–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone: 304–625–4830, email: *llshriver@fbi.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 agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *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 OMB Control Number [1110–0071]. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Abstract: The FBI has a long-standing tradition of collecting data and providing statistics concerning Law Enforcement Officers Killed and Assaulted (LEOKA) and justifiable homicides. To provide a better understanding of the incidents of use of force by law enforcement, the FBI's Uniform Crime Reporting (UCR) Program developed a data collection for law enforcement agencies to provide information on incidents where the use of force by a law enforcement officer led to the death or serious bodily injury of a person, as well as when a law enforcement officer discharged a firearm at or in the direction of a person. When a use of force incident occurs, federal, state, county, local, tribal, and territorial law enforcement agencies provide information to the data collection on characteristics of the incident, the victim(s) on which force was used by law enforcement, and the officers who applied force in the incident. Agencies positively affirm, monthly, whether their agency did or did not have a use of force incident that resulted in a fatality, a serious bodily injury to a person, or a firearm discharge at or in the direction of a person. When no use of force incident occurs in a month, agencies submit a zero report. Enrollment information from agencies and state points of contact is collected when the agency or contact initiates participation in the data collection. Enrollment information is updated no less than annually to assist with managing the data. The data collection defines a law enforcement officer using the current LEOKA definition: ''All local, county, state, and federal law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and to safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible.'' The definition of ''serious bodily injury'' is based, in part, on Title 18, United States Code, Section 2246 (4), to mean ''bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.'' These actions include the use of a firearm, an electronic control weapon (*e.g.,* taser), an explosive device, pepper or oleoresin capsicum spray or other chemical agent, a baton, an impact projectile, a blunt instrument, hands-fists-feet, or canine.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *The Title of the Form/Collection:* National Use-of-Force Data Collection.

3. *The agency form number, if any, and the applicable component of the Department of Justice sponsoring the*

collection: There is no agency form number. The applicable component within DOJ is the FBI's Criminal Justice Information Services Division.

4. *Affected public who will be asked or required to respond:* State, local and tribal governments.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* A total of 12,861 agencies are enrolled in the National Use-of-Force Data Collection as possible respondents. The FBI estimates it will receive 94,340 incidents reports per year.

7. *Estimated Time per Respondent:* 38 minutes.

8. *Frequency:* Variable, as deemed necessary by respondents.

9. *Total Estimated Annual Time Burden:* 59,749 hours (94,340 incident reports × 38 minutes per report/60 = 59,749).

10. *Total Estimated Annual Other Costs Burden:* $0. Incident reports are submitted to the FBI through an online system maintained by the FBI.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: May 5, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–08059 Filed 5–7–25; 8:45 am]

BILLING CODE 4410–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261; NRC–2025–0076]

Duke Energy Progress, LLC; H.B. Robinson Steam Electric Plant, Unit No. 2; Subsequent License Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering an application for the subsequent license renewal of Renewed Facility Operating License No. DPR–23, which authorizes Duke Energy Progress, LLC to operate H.B. Robinson Steam Electric Plant, Unit No. 2. The subsequent renewed license would authorize the applicant to operate H.B. Robinson Steam Electric Plant, Unit No. 2, for an additional 20 years beyond the period specified in the current license. The current license for H.B. Robinson Steam Electric Plant, Unit No. 2, expires on July 31, 2030.

DATES: Requests for a hearing or petitions for leave to intervene must be filed by July 7, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0076 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0076. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov*. The subsequent license renewal application is available in ADAMS under Package Accession No. ML25091A290.
- *Public Library:* A copy of the subsequent license renewal application for H.B. Robinson Steam Electric Plant, Unit No. 2, is available for public review at the following public library location: Hartsville Memorial Library, 147 West College Ave., Hartsville, SC 29550.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Andrew Siwy, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9232; email: *Andrew.Siwy@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a subsequent license renewal application (SLRA) from Duke Energy Progress, LLC, dated April 1, 2025, requesting subsequent renewal of Renewed Facility Operating License No. DPR–23, which authorizes Duke Energy Progress, LLC to operate H.B. Robinson Steam Electric Plant, Unit No. 2, up to 2,339 megawatts thermal. H.B. Robinson Steam Electric Plant, Unit No. 2, is located near Hartsville, SC. Duke Energy Progress, LLC submitted the SLRA pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants.'' A notice of receipt of the SLRA was published in the **Federal Register** on April 21, 2025 (90 FR 16707).

The NRC staff has determined that Duke Energy Progress, LLC has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the SLRA and that, therefore, the SLRA is acceptable for docketing. The current docket number, 50–261, for Renewed Facility Operating License No. DPR–23 will be retained. The determination to accept the SLRA for docketing does not constitute a determination that a subsequent renewed license should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested subsequent renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a subsequent renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the subsequent renewed license will continue to be conducted in accordance with the current licensing basis and that any changes made to the plant's current licensing basis will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC staff will prepare an environmental impact statement as a supplement to the Commission's NUREG–1437, Revision 2, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' dated August 2024 (ADAMS Accession

No. ML24086A526). In considering the SLRA, 10 CFR 54.29 requires that the Commission must find that the applicable requirements of subpart A of 10 CFR part 51 have been satisfied and that any matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding the environmental scoping meeting will be the subject of a separate **Federal Register** notice.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html*.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html*. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html*. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b) through (d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law

requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Reactor License Renewal section icon at *https://www.nrc.gov/reactors/operating/licensing/renewal.html* on the NRC's public website. The SLRA for H.B. Robinson Steam Electric Plant, Unit No. 2. is also available on the NRC's public website at *https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html,* while the SLRA is under review.

Dated: May 5, 2025.

For the Nuclear Regulatory Commission.

Mark Yoo,

Acting Chief, License Renewal Project Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025–08058 Filed 5–7–25; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1345 and K2025–1345; MC2025–1346 and K2025–1346; MC2025–1347 and K2025–1347; MC2025–1348 and K2025–1348; MC2025–1349 and K2025–1349; MC2025–1350 and K2025–1350; MC2025–1351 and K2025–1351; MC2025–1352 and K2025–1352]

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 12, 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

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 (*https://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).:* MC2025–1345 and K2025–1345; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 725 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* May 12, 2025.

2. *Docket No(s).:* MC2025–1346 and K2025–1346; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 726 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* May 12, 2025.

3. *Docket No(s).:* MC2025–1347 and K2025–1347; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 727 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* May 12, 2025.

4. *Docket No(s).:* MC2025–1348 and K2025–1348; *Filing Title:* USPS Request to Add Priority Mail Contract 799 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* May 12, 2025.

5. *Docket No(s).:* MC2025–1349 and K2025–1349; *Filing Title:* USPS Request to Add Priority Mail Contract 800 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing*

[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).

Authority: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* May 12, 2025.

6. *Docket No(s).:* MC2025–1350 and K2025–1350; *Filing Title:* USPS Request to Add Priority Mail Contract 801 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* May 12, 2025.

7. *Docket No(s).:* MC2025–1351 and K2025–1351; *Filing Title:* USPS Request to Add Priority Mail Contract 802 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* May 12, 2025.

8. *Docket No(s).:* MC2025–1352 and K2025–1352; *Filing Title:* USPS Request to Add Priority Mail Contract 803 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 2, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* May 12, 2025.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Kimberly R. Banks,

Secondary Certifying Official.

[FR Doc. 2025–08056 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 727 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1343, K2025–1343.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08003 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 799 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1348, K2025–1348.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08011 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage®

Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 726 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1346, K2025–1346.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08002 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: Monday, May 5, 2025, at 3:30 p.m. EST.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW.

STATUS: Closed.

MATTERS TO BE CONSIDERED: On May 5, 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. 2025–08238 Filed 5–6–25; 4:15 pm]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 724 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1343, K2025–1343.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08000 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 723 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1342, K2025–1342.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–07999 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 721 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1340, K2025–1340.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–07997 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 798 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1338, K2025–1338.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08010 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 793 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1333, K2025–1333.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08005 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add*

Priority Mail Contract 800 to Competitive Product List. Documents are available at *www.prc.gov,* Docket Nos. MC2025–1349, K2025–1349.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08012 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 797 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1337, K2025–1337.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08009 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 795 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1335, K2025–1335.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08007 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 792 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1332, K2025–1332.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08004 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 725 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1345, K2025–1345.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08001 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 722 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1341, K2025–1341.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–07998 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 803 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1352, K2025–1352.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08015 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 801 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1350, K2025–1350.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08013 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 2, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 802 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1351, K2025–1351.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08014 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 30, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 720 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1339, K2025–1339.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–07996 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 794 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1334, K2025–1334.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08006 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 8, 2025.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on April 28, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 796 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–1336, K2025–1336.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–08008 Filed 5–7–25; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102975; File No. SR–GEMX–2025–09]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Discontinue the Options Regulatory Fee Model Scheduled To Be Implemented in June 2025

May 2, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 28, 2025, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''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 discontinue the ORF model scheduled to be implemented in June 2025.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/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

GEMX proposes to discontinue the ORF model scheduled to be implemented in June 2025.[4]

GEMX previously filed a proposed amendment to its ORF, effective as of January 1, 2025,[5] to amend its methodology of collection to: (1) specify that it is including options transactions in GEMX proprietary products; and (2) assess ORF in all clearing ranges except market makers who clear as ''M'' at The Options Clearing Corporation (''OCC''). Additionally, GEMX proposed to assess a different rate for trades executed on GEMX (''Local ORF Rate'') and trades executed on non-GEMX exchanges (''Away ORF Rate'').[6] The Exchange also filed to delay the implementation of SR–GEMX–2024–42, with respect to the new ORF and methodology therein which was effective on January 1, 2025, so that it would be implemented on June 1, 2025.[7]

At this time, the Exchange proposes to discontinue its June 2025 ORF. The Exchange received feedback from Members[8] and SIFMA[9] related to the implementation of its June 2025 ORF. In particular, two fields necessary for information sharing of executing exchange information among Members and Clearing Members will not be available after an upcoming technology migration at OCC.[10] In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange is exploring proposing a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

To create real ORF reform, moving to a new ORF model that only assesses a fee to transactions that occur on the Exchange would remove any duplicative ORF billing. The Exchange believes that each exchange should likewise adopt a similar model to ensure consistent industry billing of ORF to the benefit of market participants. A consistent methodology of assessing and collecting ORF will also remove confusion and complexity in the billing of ORF. The Exchange has been engaged in remodeling its current ORF over the last year and has held many conversations with market participants to establish a framework that is practical and fair. The Exchange remains committed to ORF reform and will continue to evaluate its ORF model and seek feedback from market participants.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to discontinue its June 2025 ORF is reasonable because it has come to light that certain information necessary for billing of ORF would not be available later in 2025. In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101875 (December 11, 2024), 89 FR 102223 (December 17, 2024) (SR–GEMX–2024–42) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Approach to the Options Regulatory Fee (ORF) in 2025). *See also* Securities Exchange Act Release No. 102341 (February 4, 2025), 90 FR 9268 (February 10, 2025) (SR–GEMX–2025–05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–GEMX–2024–42) (collectively ''June 2025 ORF'').

[4] *See* June 2025 ORF.

[5] *See* June 2025 ORF.

[6] *See* June 2025 ORF.

[7] *See* Securities Exchange Act Release No. 102341 (February 4, 2025), 90 FR 9268 (February 10, 2025) (SR–GEMX–2025–05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–GEMX–2024–42).

[8] The Exchange has discussed the implementation of its June 2025 ORF with various Clearing Members.

[9] *See* SIFMA comment letter at *https://www.sec.gov/comments/sr-nasdaq-2024-078/srnasdaq2024078-550079-1574622.pdf.*

[10] *See https://www.theocc.com/company-information/occ-transformation.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

[13] 15 U.S.C. 78f(b)(5).

Exchange anticipates moving to a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

The Exchange's proposal to discontinue its June 2025 ORF is equitable and not unfairly discriminatory as the proposal would not apply to any Member.

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.

This proposal does not create an unnecessary or inappropriate intra-market burden on competition because no Member would be subject to the June 2025 ORF as a result of this proposal.

Additionally, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of ORF Regulatory Revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2025–09 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–GEMX–2025–09. 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–GEMX–2025–09 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07983 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102984; File No. SR–NSCC–2025–009]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Rules Relating to the Legal Entity Identifier Requirement

May 2, 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 25, 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. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4) thereunder.[4] 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 proposed rule change consists of amendments to the NSCC Rules & Procedures (''Rules'') in order to require (i) each applicant applying to become a Member or a Limited Member to obtain and provide a Legal Entity Identifier (''LEI'') to NSCC as part of its membership application, (ii) each Member and Limited Member to have a current LEI on file with NSCC at all times, (iii) each Sponsoring Member to provide NSCC with an LEI for each of their current Sponsored Members and for each newly added Sponsored Member going forward, and (iv) CDS Clearing and Depository Services Inc. (''CDS'') to provide NSCC with an LEI for each current participant of CDS (''CDS Participant'') for which CDS

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

maintains a subaccount at NSCC and for each newly added CDS Participant going forward.[5] [6]

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

The purpose of the proposed rule change is to amend the Rules in order to require (i) each applicant applying to become a Member or a Limited Member to obtain and provide a Legal Entity Identifier (''LEI'') to NSCC as part of its membership application, (ii) each Member and Limited Member to have a current LEI on file with NSCC at all times, (iii) each Sponsoring Member to provide NSCC with an LEI for each of their current Sponsored Members and for each newly added Sponsored Member going forward, and (iv) CDS to provide NSCC with an LEI for each current CDS Participant for which CDS maintains a subaccount at NSCC and for each newly added CDS Participant going forward.[7]

Background

LEI Background

An LEI is a 20-character reference code to uniquely identify legally distinct entities that engage in financial transactions.[8] The LEI system was developed by the Financial Stability Board [9] together with finance ministers and central bank governors represented in the Group of 20 in the wake of the 2008 financial crisis.[10] The Financial Stability Board established GLEIF in June 2014 to support the implementation and use of LEIs.[11] The Regulatory Oversight Committee (''ROC''), a group of public authorities from around the globe, oversees GLEIF and the global LEI system.[12]

LEIs are issued by entities called Local Operating Units (''LOUs'') that are accredited by GLEIF to issue LEIs within certain jurisdictions.[13] LOUs validate information about an entity and issue a unique LEI for that entity. An LEI provides information about legal entities, including the official legal name, registered address, country of incorporation, registration authority and the entities' ownership structure, including parent and child organizations.

Adding the LEI Requirement for NSCC

NSCC's parent entity, The Depository Trust & Clearing Corporation (''DTCC''),[14] provides technology resources and support services to NSCC and DTCC's other subsidiaries, including providing support for onboarding, lifecycle management and risk management of the subsidiaries' applicants and members. Certain of DTCC's subsidiaries currently require that its applicants and members obtain and provide an LEI. However, this requirement is not consistent across DTCC's other subsidiaries, including NSCC.

NSCC is proposing to add a requirement that its applicants and members obtain and provide an LEI to NSCC similar to the requirement currently in place for its affiliate, FICC, which requires LEIs for members of its Government Securities Division.[15] NSCC believes that requiring that its applicants and members obtain and provide an LEI to NSCC would improve the quality of data that is collected from its participants as well as the process for collecting that data, including providing the following benefits:

- Simplify Operational Processes—LEIs would help simplify and expedite due diligence and know your customer (''KYC'') verification of participants enabling NSCC to do business with participants faster and safer.
- Enhance Risk Management—LEIs provide information about counterparty relationships and hierarchies within and between financial entities, improving counterparty risk assessment and management.
- Leverage Existing Capabilities—The use of LEIs would allow NSCC to leverage existing DTCC technology and data to create automatic upfront validations to support participant onboarding and lifecycle management for NSCC and DTCC's other subsidiaries.
- Reliable Data Source—The LEI system is supported by a trusted method of verifying the identity of the legal entity in question and would provide a reliable data source. This is supported by the LOUs maintenance of all respective reference and identification data and the overall global LEI system which is coordinated and overseen by ROC.
- Reduction in Record Duplication—The use of LEIs would reduce overlap and duplication of data within databases, helps streamline data reconciliations and reduce data errors by decreasing the requirements for manual comparison of different databases.

Implementing an LEI requirement is also intended to improve DTCC's ability to manage data across its subsidiaries, including NSCC. Many participants are shared among NSCC and its affiliates. Currently, there is no consistent requirement for submission of an industry identifier by NSCC and DTCC's other subsidiaries. This has impacted DTCC's ability to profile its subsidiaries' participants quickly and efficiently across all the subsidiaries' products and services. DTCC's other subsidiaries are also implementing an LEI requirement consistent with the LEI requirements being proposed for NSCC.

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[5] CDS, the Canadian central securities depository and central counterparty, is a Member of NSCC. The relationship between NSCC and CDS enables CDS Participants to clear and settle trades with NSCC Members through subaccounts at NSCC maintained by CDS on behalf of CDS Participants.

[6] Terms not defined herein are defined in the Rules, *available at www.dtcc.com/legal/rules-and-procedures.*

[7] *Supra* note 5.

[8] *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.* The LEI is based on the ISO 17442 standard developed by the International Organization for Standardization and satisfies the standards implemented by the Global Legal Entity Identifier Foundation (''GLEIF''). *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.*

[9] The Financial Stability Board is an international body that monitors and makes recommendations about the global financial system. *See www.fsb.org.*

[10] *See www.gleif.org/en/about/history.*

[11] *See supra* note 8. *See also www.gleif.org/en/about/this-is-gleif.*

[12] The ROC is a group of public authorities from around the globe established in January 2013 to coordinate and oversee the global LEI system. *See www.gleif.org/en/about/governance/regulatory-oversight-committee-roc.*

[13] *See www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[14] DTCC is a non-public holding company that owns three registered clearing agencies and related businesses. In addition to NSCC, DTCC also owns the following registered clearing agencies: The Depository Trust Company and the Fixed Income Clearing Corporation (''FICC''). FICC has two divisions: the Government Securities Division and the Mortgage-Backed Securities Division.

[15] FICC implemented LEI requirements for its Government Securities Division in compliance with a rule adopted by the Office of Financial Research of the U.S. Department of Treasury establishing a data collection requirement covering centrally cleared transactions in the U.S. repurchase market. *See* Securities Exchange Act Release No. 88557 (Apr. 3, 2020), 85 FR 19979 (Apr. 9, 2020) (SR–FICC–2020–002).

Member Impact

Based on an analysis by NSCC, approximately 88% of Members, 48% of Limited Members, and 100% of CDS Participants currently have an LEI.[16] Adding the LEI requirement would require the Members and Limited Members that have not obtained an LEI to select an LOU,[17] apply for an LEI, and once obtained provide the LEI to NSCC. In addition, Sponsoring Members and CDS would be required to obtain LEIs from their respective Sponsored Members and CDS Participants. The Members, Limited Members, Sponsored Members and CDS Participants would also need to renew the LEI periodically. The expense of obtaining and renewing an LEI is minimal, and it can usually be obtained within a few days once the entity provides the necessary information to the LOU.[18]

Failure to adhere to the LEI requirement could result in a fine in accordance with the Rules.[19]

Rule Changes

LEI Requirement

In order to add the requirement that participants obtain and provide an LEI, NSCC is proposing to make the following changes.

(i) Defined Term

NSCC would add a new defined term, LEI, to Rule 1. NSCC would use the terminology of the GLEIF for the definition.[20]

(ii) Applicants

NSCC would amend Section 1.C. of Rule 2A to require each NSCC applicant to obtain and provide an LEI to NSCC as part of its membership application.

(iii) Members and Limited Members

NSCC would amend Section 2.A. of Rule 2B to require that each Member and Limited Member always has a current LEI on file with NSCC. NSCC would also require CDS to provide NSCC with an LEI for each CDS Participant such that NSCC would have a current LEI for each CDS Participant at all times. NSCC is proposing to add a footnote in that section which states that Members, Limited Members and CDS shall have 60 calendar days from the date they are notified by Important Notice to submit the requisite LEIs. The footnote would provide that it would sunset at the end of the 60-calendar day period.

(iv) Sponsoring Members and Sponsored Members

NSCC would amend Section 2(g) of Rule 2C to require that each Sponsoring Member submit the LEIs of its Sponsored Member applicants. The proposed rule change would also add language to Section 2(g) of Rule 2C to require that each Sponsoring Member provide NSCC with an LEI for each of its existing Sponsored Members such that NSCC has a current LEI for each such Sponsored Member at all times. NSCC is proposing to add a footnote in that section which states such Sponsoring Members shall have 60 calendar days from the date they are notified by Important Notice to submit LEIs for each of their respective Sponsored Members. The footnote would provide that it would sunset at the end of the 60-calendar day period.

In order to cover new Sponsored Members, NSCC would amend Section 3(b) of Rule 2C to add that the Sponsoring Member must provide the LEI of each Person it wishes to sponsor into membership as a Sponsored Member.

Implementation Timeframe

DTCC is determining a framework relating to the adoption of the selected LEI option across all DTCC subsidiaries and product lines, including an approach to managing the implementation of the LEI requirement for both existing and new clients of NSCC. NSCC would provide notice to existing Members, Limited Members, Sponsoring Members and CDS including by Important Notice, advising them of the LEI requirements for NSCC and notifying them of the dates by which they are expected to have obtained and provided the requisite LEIs to NSCC. NSCC would give Members, Limited Members, Sponsoring Members and CDS that do not currently have the requisite LEIs, 60-calendar days from the date of the notice to obtain and provide the LEIs to NSCC. NSCC considers 60-calendar days to be sufficient for obtaining an LEI, as it can typically be acquired within a few days once the entity provides the necessary entity information to the LOU.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, that the Rules be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[21]

NSCC believes that the proposed changes to add an LEI requirement are consistent with this provision because the proposed revisions would improve the quality of data that is collected from NSCC's participants as well as the process for collecting that data including (i) simplifying and expediting certain operational processes, including due diligence and KYC, by utilizing an efficient and accurate method to verify identity of NSCC participants, (ii) enhancing counterparty risk assessment and management of NSCC participants by improving information about counterparty relationships and hierarchies within and between NSCC participants, (iii) creating efficiencies relating to onboarding and lifecycle management for NSCC and DTCC's other subsidiaries that share participants, (iv) obtaining reliable data from the standardized global LEI system, a dependable source of verified data, and (v) reducing overlap and duplication of data within databases and helping to streamline data reconciliations and reduce data errors. NSCC believes that creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from NSCC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by NSCC. As such, NSCC believes the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.[22]

(B) Clearing Agency's Statement on Burden on Competition

NSCC believes that the proposed changes to add an LEI requirement could impose a burden on competition because these changes would impose a cost on firms that currently do not have an LEI to obtain and maintain them. NSCC does not believe that any burden on competition imposed by the proposed rule change would be significant because the cost to obtain and maintain an LEI is relatively small,[23] and NSCC understands that

[16] There are currently no Sponsored Members at NSCC.

[17] Only entities that are accredited by GLEIF may issue LEIs. A list of accredited LOUs can be found on the GLEIF website: *www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[18] Based on a review by DTCC, the average cost for registering a new LEI is approximately $71, the average cost for maintenance is approximately $62, and the application processing time is typically 24–48 business hours.

[19] *See* Rule 48, *supra* note 6 (provides that NSCC may discipline any Member or Limited Member for violations of the Rules, including but not limited to a fine).

[20] *See supra* note 8.

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] *Id.*

[23] As noted above, based on a review by DTCC, the average cost for registering a new LEI is

Continued

many of its members already maintain LEIs for other purposes. Regardless of whether the potential burden on competition is deemed significant, NSCC believes the proposed rule change is both necessary and appropriate in furtherance of the purposes of the Act. Specifically, NSCC believes that any burden on competition that is created by the proposed changes would be necessary in furtherance of the purposes of the Act [24] because creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from NSCC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by NSCC. NSCC also believes that any burden that is created by the proposed rule change would be appropriate in furtherance of the purposes of the Act [25] because the proposed changes would be limited to requiring an LEI that is easily obtained through the established global LEI system at a relatively minor cost.

(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, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting 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 a Comment, 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.

approximately $71 and the average cost for maintenance is approximately $62.

[24] 15 U.S.C. 78q–1(b)(3)(I).

[25] *Id.*

NSCC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 (*www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NSCC–2025–009 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–2025–009. 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–2025–009 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07991 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102977; File No. SR–Phlx–2025–20]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Phlx's FLEX Floor Trading

May 2, 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 22, 2025, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Options 8, Section 34, FLEX Trading.[3]

[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Phlx Options 8, Section 34 rule text was previously amended by two rule changes which are effective, but not yet operative. *See* Securities Exchange Act Release Nos. 97658 (June 7, 2023), 88 FR 38562 (June 13, 2023) (SR–Phlx–2023–22); and 100321 (June 12, 2024), 89 FR 51580 (June 18, 2024) (SR–Phlx–2024–24). Phlx further delayed the implementation so that it could implement SR–Phlx–2023–22 while also completing an OCC industry rule change prior. These two prior rule changes will be implemented at the same time as the rule changes proposed herein.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 8, Section 34, FLEX Trading. The Exchange also proposes a technical amendment to Options 8, Section 33, Accommodation Transactions.

FLEX Options are customized equity, index, and currency contracts that allow investors to tailor contract terms for exchange-listed equity and index options. By way of background, in 2023, the Exchange filed a rule change to amend the manner in which FLEX Options are transacted on Phlx's Trading Floor.[4] Thereafter, the Exchange filed to delay the implementation of SR–Phlx–2023–22 to on or before August 30, 2024.[5] Finally, in 2024, Phlx filed a rule change to amend FLEX Options rules at Options 8, Section 34(b) and further delay the implementation of SR–Phlx–2023–22 to the end of Q4 2025.[6] At this time, the Exchange proposes to further amend the rules proposed in SR–Phlx–2023–22 and SR–Phx–2024–24, which are immediately effective, but not yet operative. The Exchange proposes to implement the amendments in Phlx–2023–22 and SR–Phx–2024–24 at the same time as the proposed amendments.

Specifically, the Exchange proposes to (1) clarify the Options 8, Section 34 functionality that will be available with the implementation of SR–Phlx–2023–22 and SR–Phx–2024–24; (2) list p.m.-settled FLEX Index Options that expire on or within two business days of a third Friday-of-the-month expiration day for a non-FLEX Option; and (3) permit FLEX Options on certain Exchange-Traded Funds (''ETFs'') to be settled by delivery in cash if the underlying security meets prescribed criteria. Each change will be described below.

Options 8, Section 34

First, the Exchange proposes to capitalize certain terms uniformly throughout Options 8, Section 34. The Exchange proposes to capitalize the following terms: ''FLEX Options,'' ''FLEX Equity Options,'' ''FLEX Index Options,'' and ''FLEX Currency Options.'' The Exchange proposes to amend Options 8, Section 34(f)(4) to define FLEX U. S. dollar-settled foreign currency options as ''FLEX Currency Options.'' The Exchange is also underlying [sic] certain text in Options 8, Section 34(k)(2) that appeared deleted in SR–Phlx–2023–22 due to a missing bracket after the (h).

Second, the Exchange proposes to relocate the exclusion of iShares Bitcoin Trust ETF (''IBIT''), the Fidelity Wise Origin Bitcoin Fund; the ARK21Shares Bitcoin ETF, the Grayscale Bitcoin Trust (BTC), the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF from trading as a FLEX Options from Options 8, Section 34(a) to Options 8, Section 34(e). The language in Options 8, Section 34(a) currently states, ''The Exchange will not authorize for trading a FLEX Option on iShares Bitcoin Trust ETF, the Fidelity Wise Origin Bitcoin Fund; the ARK21Shares Bitcoin ETF, the Grayscale Bitcoin Trust (BTC), the Grayscale Bitcoin Mini Trust BTC, and the Bitwise Bitcoin ETF.'' This non-substantive amendment is intended to place the exception in the Permissible Series paragraph for ease of locating any exceptions.

Third, the Exchange proposes to relocate current Options 8, Section 34(f)(1)(B) to (f)(1)(A) and state, ''an underlying equity security or index, as applicable (the index multiplier for FLEX Index Options is 100);''. This proposed rule text reflects the current characteristics of underlying interest for FLEX Option. The proposed rule text brings greater clarity to the Rule.

Fourth, the Exchange proposes to amend the language in Options 8, Section 34(f)(3) which was initially amended to state, ''The Exchange may determine the smallest increment for exercise prices of FLEX Options not to exceed two decimal places.'' While not substantively amending the exercise price, the Exchange proposes to amend this sentence to state, ''The Exchange may determine the smallest increment for exercise prices of FLEX Options on a class-by-class basis without going lower than the $0.01.'' The Exchange believes that the proposed rule text brings greater clarity to Phlx's rule text and is consistent with rule text in Cboe Rule 5.3(e)(3).[7] Also, this rule text is identical to ISE Options 3A, Section 3(c)(6).[8]

Fifth, the Exchange proposes to amend the language in Options 8, Section 34(f)(5) to provide, ''The expiration date may be any business day (specified to the day, month, and year) no more than 15 years from the date on which an executed FLEX equity and index option is submitted to the System and no more than 3 years from the date on which an executed FLEX currency option is submitted to the System with exercise settlement value on the expiration date determined by reference

[4] *See* Securities Exchange Act Release No. 97658 (June 7, 2023), 88 FR 38562 (June 13, 2023) (SR–Phlx–2023–22) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Various Options 8 Rules) (''SR–Phlx–2023–22''). SR–Phlx–2023–22 amended FLEX Orders in 3 ways. First, the Exchange amended the rules to require FLEX Orders to be reported into Phlx's Options Floor Based Management System or ''FBMS,'' thereby further automating the execution and reporting of FLEX Options. All executed FLEX contracts will be reported to OPRA and sent to the OCC for clearing, similar to all other equity, equity index and U.S. dollar-settled foreign currency options orders executed on the Exchange's trading floor. Second, the Exchange removed its RFQ process including the BBO Improvement Interval Process, with the rule change. Third, the Exchange reorganized Options 8, Section 34 to restructure the rule to include additional information which describes current FLEX trading on Phlx. With respect to Cabinet Orders, SR–Phlx–2023–22 amended Options 8, Section 33 to require Cabinet Orders to be reported into FBMS. With this change, members and member organizations will be required to record all Cabinet Orders represented in the trading crowd into FBMS. All executed contracts will be reported to OPRA and sent to OCC for clearing similar to all other equity, equity index and U.S. dollar-settled foreign currency options orders executed on the Exchange's trading floor.

[5] *See* Securities Exchange Act Release No. 98919 (November 13, 2023), 88 FR 80363 (November 13, 2023) (SR–Phlx–2023–48) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay the Implementation of the FLEX and Cabinet Automation).

[6] *See* Securities Exchange Act Release No. 100321 (June 12, 2024), 89 FR 51580 (June 18, 2024) (SR–Phlx–2024–24) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay Implementation of Certain Exchange Options 8 Rules and Amend Options 8, Section 34(b)). Phlx further delayed the implementation so that it could implement SR–Phlx–2023–22 while also completing an OCC industry rule change prior.

[7] Of note, the Exchange is not proposing to provide for Micro FLEX Index Options or to allow prices to be expressed as a percentage value, similar to Cboe, because the Exchange does not offer these features today.

[8] ISE received approval to trade FLEX on November 22, 2024. *See also* Securities Exchange Release Act No. 101720 (November 22, 2024), 89 FR 94986 (November 29, 2024) (SR–ISE–2024–12).

to the reported level of the index as derived from the opening prices of the component securities (''a.m. settlement'') or closing prices (''p.m. settlement'').'' [9] This amendment aligns the rule text related to settlement style required for a complex FLEX Order leg with rule text in Cboe 4.21(b)(4) and ISE Options 3A, Section 3(c). The Exchange notes that Cboe received approval of its pilot program that permitted it to list p.m.-settled FLEX Index Options that expire on or within two business days of a third Friday-of-the-month expiration day for a non-FLEX Option (''FLEX PM Third Friday Options'').[10] Consistent with the Commission's approval of Cboe's proposal, the Exchange is proposing to allow the listing of FLEX PM Third Friday Options on Phlx as well, and will align with Cboe Rule 4.21(b)(5)(B)(ii).[11]

Sixth, the Exchange proposes to re-style Options 8, Section 34(f)(6) to change the title from ''Settlement'' to ''Settlement type.'' The Exchange also proposes to add a title at (A), ''FLEX Equity Options.'' At proposed Options 8, Section 34(f)(6)(A)(1) the Exchange proposes to add rule text to state, ''FLEX Equity Options, other than as permitted in subparagraph (2) below, are settled with physical delivery of the underlying security.'' The Exchange proposes to also introduce FLEX Equity Options that are cash-settled in proposed Options 8, Section 34(f)(6)(A)(2). The Exchange will discuss cash-settled FLEX Equity Options in greater detail below.

The Exchange proposes to amend Options 8, Section 34(f)(6)(B) to add a title for FLEX Index Options at (B) and change the current rule text [12] to instead provide that the settlement value for FLEX Index Options may be specified based on the index value reported at the:

(1) close with exercise settlement value determined by reference to the reported level of the index derived from the reported closing prices of the component securities (''P.M.-settled'');

(2) opening of trading on the Exchange with exercise settlement value determined by reference to the reported level of the index derived from the reported opening prices of the component securities (''A.M.-settled'').

While not substantively amending the rule text, the Exchange believes that the proposed text adds clarity by noting how the exercise value is determined depending on whether the option is a.m.-settled or p.m.-settled. The Exchange proposes to add a title ''FLEX Currency Options'' to new Options 8, Section 34(f)(6)(C). The Exchange also proposes a technical amendment to underline ''Market Maker'' in Options 8, Section 34(g)(3). SR–Phlx–2023–22 inadvertently did not underline that text, thereby designating it as new text. The Exchange proposes to remove the following rule text currently in Options 8, Section 34(f)(6)(B), ''American style index options exercised prior to the expiration date can only settle based on the closing value on the exercise date.'' This language is not necessary as American Style Options are defined in Options 1, Section 1(b)(3) to mean an option contract that may be exercised at any time from its commencement until its expiration. The definition is not needed in this rule. The Exchange also relocated the rule text in Options 8, Section 34(f)(6)(B) that stated, ''FLEX index options are settled in U.S. dollar'' to the beginning of that section.

Seventh, the Exchange proposes to amend Position Limits in Options 8, Section 34(i) to add a new paragraph stating that,

There shall be no position limits for FLEX Equity Options, other than as set forth in this paragraph and (4) below. Position limits for FLEX Equity Options where the underlying security is an ETF that is settled in cash pursuant to subparagraph (f)(6)(A) shall be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15. Positions in such cash-settled FLEX Options shall be aggregated with positions in physically-settled non-FLEX options on the same underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13, and the exercise limits set forth in Options 9, Section 15.

The Exchange will describe position limits for cash-settled FLEX Equity Options on an ETF below with the description of its proposal to permit a cash-settled ETF.

The Exchange proposes to remove certain numbering as unnecessary in proposed Options 8, Section 34(i)(2), which is currently Options 8, Section 34(i)(1). The Exchange would create a new Options 8, Section 34(i)(2) and title it ''Reports.'' The Exchange would remove ''However'' from this new paragraph and start the paragraph with ''Each.''

The Exchange proposes to add the title ''Additional Margin Requirements'' to proposed Options 8, Section 34(i)(3).

The Exchange proposes to amend proposed Options 8, Section 34(i)(3), current Options 8, Section 34(i)(3), by renumbering it to ''(4)'' and adding a title ''Aggregation of FLEX Positions.'' Further, the Exchange proposes to note that, ''For purposes of the position limits and reporting requirements set forth in this Rule, FLEX Option positions shall not be aggregated with positions in non-FLEX Options other than as noted in this subparagraphs (i)(1) and (i)(4)(a)–(c), and positions in FLEX Index Options on a given index shall not be aggregated with options on any stocks included in the index or with FLEX Index Option positions on another index.'' [13] Pursuant to proposed Options 8, Section 34(i)(4)(a), commencing at the close of trading two business days prior to the last trading day of the calendar quarter, positions in P.M.-settled FLEX Index Options (*i.e.,* the settlement value for FLEX Index Options is derived from closing prices on the expiration date) [14] shall be aggregated with positions in Quarterly Options Series on the same index with the same expiration and shall be subject to the position limits set forth in Options 4A, Section 6.[15] Pursuant to proposed Options 8, Section 34(i)(4)(b), commencing at the close of

[9] The Exchange would remove the rule text in current Options 8, Section 34 (f)(5) that provides, ''except that (i) a FLEX index option that expires on or within two business days prior or subsequent to a third Friday-of-the-month expiration day for a non-FLEX option (except quarterly expiring index options) or underlying currency may only have an.''

[10] *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35.

[11] The only broad-based indexes option that would be able to list as a FLEX PM Third Friday Option is the Nasdaq-100 Index option (''NDX'' or ''NDX options'') and options based on 1/100 the value of the Nasdaq-100 (''XND'' or ''XND options''). The Exchange notes that Cboe lists both NDX and XND electronic FLEX options today pursuant to a license agreement with Nasdaq. Phlx received approval to permit the listing of a third-Friday-of-the-month p.m. expiration on NDX and XND options its standardized market. *See* Securities Exchange Act Release No. 98950 (November 15, 2023), 88 FR 81172 (November 21, 2023) (SR–Phlx–2023–45) (Order Approving a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Nasdaq-100 Index Options With a Third-Friday-of-the-Month Expiration).

[12] Initially, the Exchange stated at Options 8, Section 34(f)(6)(A) that ''respecting FLEX index options, the settlement value may be specified as the index value reported at the: (i) close (P.M.-settled); and (ii) opening (A.M.-settled) of trading on the Exchange. American style index options exercised prior to the expiration date can only settle based on the closing value on the exercise date. FLEX index options are settled in U.S. dollars.''

[13] The Exchange also proposes to change ''shall'' to ''will in two places in this paragraph.

[14] The Exchange is amending this provision to reflect the current practice with respect to p.m.-settled Index Options, including FLEX Index Options. Phlx Options 4A, Section 12(a)(6) provides that P.M.-settled standard index options have an exercise settlement value that is derived from closing prices on the expiration day. The Exchange notes that a similar amendment will be made to ISE Options 3A, Section 18(c)(1) in a separate rule change.

[15] *See* Cboe Rule 8.35(d)(1) for materially identical provisions. *See also* ISE Options 3A, Section 18(c)(1) for identical rule text.

trading two business days prior to the last trading day of the week, positions in FLEX Index Options that are cash settled [16] shall be aggregated with positions in Short Term Option Series on the same underlying (*e.g.,* same underlying index as a FLEX Index Option) with the same means for determining exercise settlement value (*e.g.,* opening or closing prices of the underlying index) and same expiration, and shall be subject to the position limits set forth in Options 4A, Section 6.[17] Pursuant to proposed Options 8, Section 34(i)(4)(c), as long as the options positions remain open, positions in FLEX Options that expire on a third Friday-of-the-month expiration day shall be aggregated with positions in non-FLEX Options on the same underlying, and shall be subject to the position limits set forth in Options 4A, Section 6, or Options 9, Section 13, as applicable, and the exercise limits set forth in Options 9, Section 15, as applicable.[18]

Eighth, the Exchange proposes to amend Exercise Limits in Options 8, Section 34(j) to provide further detail and rearrange the rule text. The Exchange proposes to relocate the rule text in Options 8, Section 34(j)(1) that provides, ''Positions in FLEX options shall not be taken into account when calculating exercise limits for non-FLEX options, except as provided in paragraph (d) above. The minimum exercise size shall be the lesser of $1 million underlying equivalent value for FLEX index options, and 25 contracts for FLEX equity and currency options, or the remaining size of the position.'' Instead, the Exchange proposes to provide at Options 8, Section 34(j)(1)(a) that, ''The minimum value size for FLEX Equity Options and FLEX Currency Options exercises shall be 25 contracts or the remaining size of the position, whichever is less.'' Proposed Options 8, Section 34(j)(1)(b) will require that the minimum value size for FLEX Index Options exercises be $1 million Underlying Equivalent Value (as defined below) or the remaining Underlying Equivalent Value of the position, whichever is less.[19] Proposed Options 8, Section 34(j)(1)(c) will stipulate that except as provided in proposed subparagraph (i) and (i)(4) above,[20] FLEX Options shall not be taken into account when calculating exercise limits for non-FLEX Option contracts.[21] Proposed Options 8, Section 34(j)(1)(d) will set forth the definition of Underlying Equivalent Value as the aggregate value of a FLEX Index Option (index multiplier times the current index value) multiplied by the number of FLEX Index Options.[22] Finally, the Exchange proposes to add a sentence to the end of Options 8, Section 34(j) that provides, ''There shall be no exercise limits for broad-based FLEX Index Options (including reduced value option contracts) on the broad-based indexes listed in Options 4A, Section 6(a).''

Options 8, Section 33

The Exchange also proposes to make a technical amendment to Options 8, Section 33, Accommodation Transactions, at paragraph (e) to remove correct improperly placed parentheticals from SR–Phlx–2024–22.

Cash-Settled FLEX Equity Options on Exchange Traded Funds (''ETFs'')

Generally, FLEX Equity Options will be settled by physical delivery of the underlying security,[23] while all FLEX Index Options will be settled by delivery in cash.[24] The Exchange proposes to allow FLEX Equity Options where the underlying security is an ETF to be settled by delivery in cash if the underlying security meets prescribed criteria. The Exchange notes that cash-settled FLEX ETF Options will be subject to the same trading rules and procedures described in Options 8, Section 34 that will govern the trading of other FLEX Options on the Exchange. Today, NYSE American Rule 903G,[25] Cboe Rule 4.21(b)(5)(A) [26] and ISE Options 3A, Section 3(c)(5)(A) [27] allow for cash-settled FLEX ETF Options as well. The Exchange's proposed rule changes for cash-settled ETF Options will be based on NYSE American Rule 903G, Cboe Rule 4.21(b)(5)(A) and ISE Options 3A, Section 3(c)(5)(A).

The Exchange proposes rule text in Options 8, Section 34(f)(6)(A)(2) to provide that for FLEX Equity Options with an underlying security that is an ETF that has an average daily notional value of $500 million or more and a national average daily volume of at least 4,680,000 shares,[28] measured over the prior 6-month period,[29] settlement may be settled by physical delivery of the underlying security or by delivery in cash.

The Exchange also proposes in Options 8, Section 34(f) that a FLEX Equity Option overlying an ETF (cash- or physically-settled) may not be the same type (put or call) and may not have the same exercise style, expiration date, and exercise price as a non-FLEX Equity Option overlying the same ETF.[30] In other words, regardless of whether a FLEX Equity Option overlying an ETF is cash or physically settled, at least one of the exercise style (*i.e.,* American-style or European-style), expiration date, and exercise price of that FLEX Option must differ from those terms of a non-FLEX Option overlying the same ETF in order to list such a FLEX Equity Option. For example, suppose a non-FLEX SPY option (which

[16] The Exchange notes that all FLEX Index Options will be cash settled. Cash-settled FLEX Equity Options ETFs will be described later in this proposal.

[17] This is based on Cboe Rule 8.35(d)(2), except the Exchange does not currently list Credit Default Options and will therefore not incorporate the applicable portion into its proposed rule. *See also* ISE Options 3A, Section 18(c)(2) for identical text.

[18] *See* Cboe Rule 8.35(d)(3) for materially identical provisions. *See also* ISE Options 3A, Section 18(c)(3) for identical text.

[19] *See* Cboe Rule 8.42(g)(2) for materially identical provisions. *See also* ISE Options 34A, Section 19(a)(2) for identical text.

[20] As described above, proposed Options 8, Section 34(i)(4) will govern the aggregation of FLEX positions generally, while proposed Options 8, Section 34(i)(1) will govern the aggregation of cash-settled FLEX Equity Options specifically and that positions in such cash-settled FLEX Equity Options will be aggregated with positions in physically settled options on the same underlying ETF. Cash-settled FLEX Equity Options will be discussed later in this filing.

[21] *See* Cboe Rule 8.42(g)(3) for materially identical provisions. *See also* ISE Options 3A, Section 19(a)(3) for identical text.

[22] *See* Phlx Options 8, Section 34(b)(8)(D) for materially identical provisions.

[23] *See* proposed Options 8, Section 34(f)(6)(A)(1).

[24] *See* proposed Options 8, Section 34(f)(6)(A)(2). As discussed below, cash settlement is also permitted in the OTC market.

[25] *See* Securities Exchange Act Release No. 88131 (February 5, 2020), 85 FR 7806 (February 11, 2020) (SR–NYSEAmer–2019–38) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Allow Certain Flexible Equity Options To Be Cash Settled).

[26] Cboe also filed an immediately effective rule change to allow certain FLEX Options to be cash settled. *See* Securities Exchange Act Release No. 98044 (August 2, 2023), 88 FR 53548 (August 8, 2023) (SR–Cboe–2023–036) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Certain Flexible Exchange Equity Options To Be Cash Settled).

[27] *See also* Securities Exchange Release Act No. 101720 (November 22, 2024), 89 FR 94986 (November 29, 2024) (SR–ISE–2024–12) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rules To List and Trade FLEX Options).

[28] *See* Cboe Rule 4.21(b)(5)(A)(ii) for materially identical provisions.

[29] As noted below, the Exchange plans to conduct the bi-annual review on January 1 and July 1 of each year. As such, the six-month periods will be from January to June, and from July to December each year.

[30] *See* introductory paragraph of Cboe Rule 4.21(b) for materially identical provisions. All non-FLEX Equity Options (including on ETFs) are physically settled. Note all FLEX and non-FLEX Equity Options (including ETFs) are p.m.-settled.

is physically settled, p.m.-settled and American-style) with a specific September expiration and exercise price of 475 is listed for trading. A FLEX Trader could not submit an order to trade a FLEX SPY option that is cash-settled (or physically settled) and American-style with the same September expiration and exercise price of 475.

In addition, the Exchange proposes new Options 8, Section 34(f)(6)(A)(2)(a), which would provide that the Exchange will determine bi-annually the underlying ETFs that satisfy the notional value and trading volume requirements in subparagraph (2) by using trading statistics for the previous six-month period.[31] The Exchange will permit cash settlement as a contract term on no more than 50 underlying ETFs that meet the criteria in subparagraph (2). If more than 50 ETFs satisfy the notional value and trading volume requirements, the Exchange will select the top 50 ETFs that have the highest average daily volume.[32]

Proposed new Options 8, Section 34(f)(6)(A)(2)(b) would further provide that if the Exchange determines pursuant to the review conducted under paragraph (2)(a) of this Rule that an underlying ETF ceases to satisfy the criteria in subparagraph (2)(a) of this Rule, any new position overlying such ETF entered into will be required to have exercise settlement by physical delivery and any open cash-settled FLEX ETF Option positions may be traded only to close the position.[33]

The Exchange believes it is appropriate to introduce cash settlement as an alternative contract term to the select group of ETFs because they are among the most highly liquid and actively traded ETF securities. As described more fully below, the Exchange believes that the deep liquidity and robust trading activity in the ETFs identified by the Exchange as meeting the criteria mitigate against historic concerns regarding susceptibility to manipulation.

Characteristics of ETFs

ETFs are funds that have their value derived from assets owned. The net asset value (''NAV'') of an ETF is a daily calculation that is based off the most recent closing prices of the assets in the fund and an actual accounting of the total cash in the fund at the time of calculation. The NAV of an ETF is calculated by taking the sum of the assets in the fund, including any securities and cash, subtracting out any liabilities, and dividing that by the number of shares outstanding.

Additionally, each ETF is subject to a creation and redemption mechanism to ensure the price of the ETF does not fluctuate too far away from its NAV—which mechanisms the Exchange believes reduce the potential for manipulative activity. Each business day, ETFs are required to make publicly available a portfolio composition file that describes the makeup of their creation and redemption ''baskets'' (*i.e.,* a specific list of names and quantities of securities or other assets designed to track the performance of the portfolio as a whole). ETF shares are created when an Authorized Participant,[34] typically a market maker or other large institutional investor, deposits the daily creation basket or cash with the ETF issuer. In return for the creation basket or cash (or both), the ETF issues to the Authorized Participant a ''creation unit'' that consists of a specified number of ETF shares. For instance, IWM is designed to track the performance of the Russell 2000 Index. An Authorized Participant will purchase all the Russell 2000 constituent securities in the exact same weight as the index prescribes, then deliver those shares to the ETF issuer. In exchange, the ETF issuer gives the Authorized Participant a block of equally valued ETF shares, on a one-for-one fair value basis. This process can also work in reverse. A redemption is achieved when the Authorized Participant accumulates a sufficient number of shares of the ETF to constitute a creation unit and then exchanges these ETF shares with the ETF issuer, thereby decreasing the supply of ETF shares in the market.

The principal, and perhaps most important, feature of ETFs is their reliance on an ''arbitrage function'' performed by market participants that influences the supply and demand of ETF shares and, thus, trading prices relative to NAV. As noted above, new ETF shares can be created and existing shares redeemed based on investor demand; thus, ETF supply is open-ended. This arbitrage function helps to keep an ETF's price in line with the value of its underlying portfolio, *i.e.,* it minimizes deviation from NAV. Generally, in the Exchange's view, the higher the liquidity and trading volume of an ETF, the more likely the price of the ETF will not deviate from the value of its underlying portfolio, making such ETFs less susceptible to price manipulation.

Trading Data for the ETFs Proposed for Cash Settlement

The Exchange believes that average daily notional value is an appropriate proxy for selecting underlying securities that are not readily susceptible to manipulation for purposes of establishing a settlement price. Average daily notional value considers both the trading activity and the price of an underlying security. As a general matter, the more expensive an underlying security's price, the less cost-effective manipulation could become. Further, manipulation of the price of a security encounters greater difficulty the more volume that is traded. To calculate average daily notional value (provided in the table below), the Exchange summed the notional value of each trade for each symbol (*i.e.,* the number of shares times the price for each execution in the security) and divided that total by the number of trading days in the six-month period (from June 1, 2024 through January 1, 2025) reviewed by the Exchange.

Further, the Exchange proposes that qualifying ETFs also meet an ADV standard. The purpose for this second criteria is to prevent unusually expensive underlying securities from qualifying under the average daily notional value standard while not being one of the most actively traded securities. The Exchange believes an ADV requirement of 4,680,000 shares a day is appropriate because it represents average trading in the underlying ETF of 200 shares per second. While no security is immune from all manipulation, the Exchange believes that the combination of average daily notional value and ADV as prerequisite requirements would limit cash

[31] *See* proposed Options 8, Section 34(f)(6)(A)(2)(b), which is based on Cboe Rule 4.21(b)(5)(A)(ii)(a). The Exchange plans to conduct the bi-annual review on January 1 and July 1 of each year. As such, the six-month periods will be from January to June, and from July to December each year. The results of the bi-annual review will be announced via an Options Trader Alert and any new securities that qualify would be permitted to have cash settlement as a contract term beginning on February 1 and August 1 of each year. If the Exchange initially begins listing cash-settled FLEX Equity Options on a different date (*e.g.,* September 1), it would initially list securities that qualified as of the last bi-annual review (*e.g.,* the one conducted on July 1).

[32] *See* proposed Options 8, Section 34(f)(6)(A)(2)(a), which is based on Cboe Rule 4.21(b)(5)(A)(ii)(a).

[33] *See* proposed Options 8, Section 34(f)(6)(A)(2)(b), which is based on Cboe Rule 4.21(b)(5)(A)(ii)(b). If a listing is closing only, pursuant to Options 4, Section 4(a), opening transactions by Market Makers executed to accommodate closing transactions of other market participants are permitted.

[34] ''Authorized Participant'' means a member or participant of a clearing agency registered with the Commission, which has a written agreement with the exchange-traded fund or one of its service providers that allows the authorized participant to place orders for the purchase and redemption of creation units. *See* SEC Rule 6c–11(a)(1).

settlement of FLEX ETF Options to those underlying ETFs that would be less susceptible to manipulation in order to establish a settlement price.

The Exchange believes that the proposed objective criteria would ensure that only the most robustly traded and deeply liquid ETFs would qualify to have cash settlement as a contract term. As provided in the table below, from June 1, 2024 through January 1, 2025, the Exchange would be able to provide cash settlement as a contract term for FLEX ETF Options on 43 underlying ETFs, as only this group of securities would currently meet the requirement of $500 million or more average daily notional value and a minimum ADV of 4,680,000 shares. The table below provides the list of the 43 ETFs that, for the period covering June 1, 2024 through January 1, 2025, would be eligible to have cash settlement as a contract term.[35]

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[35] The Exchange notes that for the period covering June 1, 2024 to January 1, 2025 the iShares Bitcoin Trust ETF (IBIT) meets the requirements of $500 million or more average daily notional value and a minimum ADV of 4,680,000 shares. IBIT is not listed in the above table because as discussed above, the Exchange prohibits FLEX trading on IBIT options.

Symbol	Security Name	Average Daily Notional Value (in dollars) (6/1/24 – 1/1/25)	Average Daily Volume (in shares) (6/1/24 – 1/1/25)
AGG	iShares Core U.S. Aggregate Bond ETF	$808,194,739.75	8,159,744.00
BIL	SPDR Bloomberg 1-3 Month T-Bill ETF	$668,214,176.18	7,295,621.00
EEM	iShares MSCI Emerging Markets ETF	$1,196,012,849.70	27,259,213.00
EFA	iShares MSCI EAFE ETF	$913,104,330.98	11,503,196.00
EMB	iShares JPMorgan USD Emerging Markets Bond ETF	$519,976,132.45	5,703,324.00
EWZ	iShares MSCI Japan ETF	$574,349,879.69	20,807,973.00
FXI	iShares MSCI Brazil ETF	$1,539,357,273.49	50,493,372.00
GDX	VanEck Gold Miners ETF	$746,379,655.25	19,509,726.00
GLD	SPDR Gold Shares	$1,541,653,631.78	6,490,081.00
HYG	iShares iBoxx $ High Yield Corporate Bond ETF	$2,723,491,055.11	34,489,565.00
~~IBIT~~	~~iShares Bitcoin Trust~~	~~$1,659,299,733.28~~	~~37,749,329.00~~
IEF	iShares 7-10 Year Treasury Bond ETF	$693,171,900.95	7,236,292.00
IEFA	iShares Core MSCI EAFE ETF	$548,015,922.16	7,418,222.00
IVV	iShares Core S&P 500 ETF	$3,187,859,024.25	5,519,115.00
IWM	iShares Russell 2000 ETF	$6,488,562,445.58	29,367,233.00
IYR	iShares U.S. Real Estate ETF	$517,310,602.25	5,312,072.00
KRE	SPDR S&P Regional Banking ETF	$848,057,189.53	14,491,828.00
KWEB	KraneShares CSI China Internet ETF	$662,016,207.20	21,406,471.00
LQD	Shares iBoxx $ Investment Grade Corporate Bond ETF	$2,742,822,293.24	24,887,127.00
MSTU	T-Rex 2X Long MSTR Daily Target ETF	$682,394,963.59	11,775,427.00
NVDL	GraniteShares 2x Long NVDA Daily ETF	$1,324,631,298.53	20,697,044.00
QQQ	Invesco QQQ Trust	$16,164,306,968.91	33,284,939.00

RSP	Invesco S&P 500 Equal Weight ETF	$1,079,569,216.48	6,151,579.00
SGOV	iShares 0-3 Month Treasury Bond ETF	$521,472,061.40	5,190,380.00
SLV	iShares Silver Trust	$548,250,701.76	19,612,185.00
SMH	VanEck Semiconductor ETF	$1,753,218,476.35	7,207,552.00
SOXL	Direxion Daily Semiconductor Bull 3x Shares	$3,007,198,965.72	85,315,964.00
SOXS	Direxion Daily Semiconductor Bear 3x Shares	$1,227,212,654.16	52,816,849.00
SPY	SPDR S&P 500 ETF Trust	$27,831,313,813.49	48,952,050.00
SQQQ	ProShares UltraPro Short QQQ ETF	$1,353,608,018.34	130,517,916.00
TLT	iShares 20+ Year Treasury Bond ETF	$3,684,141,591.91	39,147,976.00
TNA	Direxion Daily Small Cap Bull 3X Shares	$740,041,950.49	16,703,439.00
TQQQ	ProShares UltraPro QQQ	$3,658,741,627.49	50,944,211.00
TSLL	Direxion Daily TSLA Bull 2X Shares	$1,034,795,626.07	62,340,588.00
VCIT	Vanguard Intermediate-Term Corp Bond Idx Fund ETF	$514,517,213.57	6,272,369.00
VOO	Vanguard S&P 500 ETF	$2,975,793,273.23	5,659,792.00
XBI	SPDR S&P Biotech ETF	$787,292,481.73	8,079,838.00
XLE	Energy Select Sector SPDR Fund	$1,229,618,238.99	13,670,996.00
XLF	Financial Select Sector SPDR Fund	$1,774,349,746.62	38,499,533.00
XLI	Industrial Select Sector SPDR Fund	$1,046,361,996.67	7,937,499.00
XLK	Technology Select Sector SPDR Fund	$1,057,017,686.45	4,719,572.00
XLP	Consumer Staples Select Sector SPDR Fund	$791,212,649.82	9,807,343.00
XLU	Utilities Select Sector SPDR Fund	$786,241,506.05	10,225,418.00
XLV	Health Care Select Sector SPDR Fund	$1,052,717,556.59	7,088,605.00

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The Exchange believes that permitting cash settlement as a contract term for FLEX ETF Options for the ETFs in the above table would broaden the base of

investors that use FLEX Equity Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options, where settlement restrictions do not apply.

The Exchange notes that the SEC has previously approved a rule filing of another exchange that allowed for the trading of cash-settled options [36] and, specifically, cash-settled FLEX ETF Options (which the Exchange proposes to list in the same manner as that exchange).[37]

Today, equity options are settled physically at The Options Clearing Corporation (''OCC''), *i.e.,* upon exercise, shares of the underlying security must be assumed or delivered. Physical settlement may possess certain risks with respect to volatility and movement of the underlying security at expiration against which market participants may need to hedge. The Exchange believes cash settlement may be preferable to physical delivery in some circumstances as it does not present the same risk. If an issue with the delivery of the underlying security arises, it may become more expensive (and time consuming) to reverse the delivery because the price of the underlying security would almost certainly have changed. Reversing a cash payment, on the other hand, would not involve any such issue because reversing a cash delivery would simply involve the exchange of cash. Additionally, with physical settlement, market participants that have a need to generate cash would have to sell the underlying security while incurring the costs associated with liquidating their position as well as the risk of an adverse movement in the price of the underlying security.

With respect to position and exercise limits, cash-settled FLEX ETF Options would be subject to the position limits set forth in proposed Options 8, Section 34(i). Accordingly, the Exchange proposes to add Options 8, Section 34(i)(1), which would provide that position limits for cash-settled FLEX Equity Options where the underlying security is an ETF pursuant to Options 8, Section 34(f)(6)(A)(2) shall be subject to the position limits set forth in Options 9, Section 13, and subject to the exercise limits set forth in Options 9, Section 15.[38] The proposed rule would further state that positions in such cash-settled FLEX Equity Options shall be aggregated with positions in physically settled non-FLEX options on the same underlying ETF for the purpose of calculating the position limits set forth in Options 9, Section 13 and the exercise limits set forth in Options 9, Section 15.[39] The Exchange further proposes to add in Options 8, Section 34(i)(1) a cross-reference to subparagraph (f)(6)(A), as subparagraph (i)(1) would also contain provisions about position limits for FLEX Equity Options that would be exceptions to the first sentence in this paragraph stating that FLEX Equity Options have no position limits. The Exchange also proposes to add in paragraph (i)(4), a cross-reference to proposed subparagraphs (i)(1) and (i)(4)(a)—(c) as the proposed rule adds language regarding aggregation of positions for purposes of position limits, which will be covered by paragraph (i)(4). Given that there are established position and exercise limits applicable to physically settled options on each of the underlying ETFs for which cash-settled FLEX ETF options would available under this proposal, the Exchange believes it is appropriate for the same position and exercise limits to apply to those cash settled FLEX ETF options. Accordingly, of the 43 FLEX ETF Options underlying securities that would currently be eligible to have cash settlement as a FLEX contract term, 30 would have a position limit of 250,000 contracts pursuant to Options 9, Section 13(d)(5).[40] Further, pursuant to Supplementary Material .01 to Options 9, Section 13, six would have a position limit of 500,000 contracts (EWZ, TLT, HYG, XLF, LQD, and GDX); four (EEM, FXI, IWM, and EFA) would have a position limit of 1,000,000 contracts; one (QQQ) would have a position limit of 1,800,000 contracts; and one (SPY) would have a position limit of 3,600,000.[41]

The Exchange understands that cash-settled ETF options are currently traded in the OTC market by a variety of market participants, *e.g.,* hedge funds, proprietary trading firms, and pension funds.[42] These options are not fungible with the exchange listed options. The Exchange believes some of these market participants would prefer to trade comparable instruments on an exchange, where they would be cleared and settled through a regulated clearing agency. The Exchange expects that users of these OTC products would be among the primary users of exchange-traded cash-settled FLEX ETF Options. The Exchange also believes that the trading

[36] *See, e.g.,* PHLX FX Options traded on Nasdaq PHLX and S&P 500® Index Options traded on Cboe Options Exchange. The Commission approved, on a pilot basis, the listing and trading of RealDay™ Options on the SPDR S&P 500 Trust on the BOX Options Exchange LLC (''BOX''). *See* Securities Exchange Act Release No. 79936 (February 2, 2017), 82 FR 9886 (February 8, 2017) (''RealDay Pilot Program''). The RealDay Pilot Program was extended until February 2, 2019. *See* Securities Exchange Act Release No. 82414 (December 28, 2017), 83 FR 577 (January 4, 2018) (SR–BOX–2017–38). The RealDay Pilot Program was never implemented by BOX. *See also* Securities Exchange Act Release Nos. 56251 (August 14, 2007), 72 FR 46523 (August 20, 2007) (SR–Amex–2004–27) (Order approving listing of cash-settled Fixed Return Options (''FROs'')); and 71957 (April 16, 2014), 79 FR 22563 (April 22, 2014) (SR–NYSEMKT–2014–06) (Order approving name change from FROs to ByRDs and re-launch of these products, with certain modifications.

[37] *See* Securities Exchange Act Release Nos. 88131 (February 5, 2020), 85 FR 7806 (February 11, 2020) (SR–NYSEAMER–2019–38) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Allow Certain Flexible Equity Options To Be Cash Settled); 97231 (March 31, 2023), 88 FR 20587 (April 6, 2023) (SR–NYSEAMER–2023–22) (Notice of Filing and Immediate Effectiveness of Proposed Change to Make a Clarifying Change to the Term Settlement Style Applicable to Flexible Exchange Options); and 98044 (August 2, 2023), 88 FR 53548 (August 8, 2023) (SR–Cboe–2023–036) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Certain Flexible Exchange Equity Options To Be Cash Settled.

[38] The Exchange proposes to add to proposed Options 8, Section 34(i)(1) a cross reference to proposed subparagraph (f)(6)(A), as proposed Section 34(i)(1) also contains provisions about position limits for FLEX Equity Options that would be exceptions to the statement in proposed Section (i)(1) that FLEX Equity Options have no position limits (in addition to the language in proposed 34(i)(1)). The Exchange also proposes to add to proposed Options 8, Section 34(i)(4) a cross-reference to proposed subparagraph subparagraph (i)(1), as the proposed rule adds language regarding aggregation of positions for purposes of position limits, which will be covered in proposed Section 34(i)(4).

[39] *See* proposed Options 8, Section 34(i)(1), which is based on Cboe Rule 8.35(c)(1)(B). The aggregation of position and exercise limits would include all positions on physically settled FLEX and non-FLEX Options on the same underlying ETFs.

[40] Options 9, Section 13(d)(5) provides that to be eligible for the 250,000 contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares and the underlying security must have at least 300 million shares currently outstanding. Further as noted above, options on IBIT will not be available for FLEX trading.

[41] These were based on position limits as of January 28, 2025. Position limits are available on at *https://www.theocc.com.* Position limits for ETFs are always determined in accordance with the Exchange's Rules regarding position limits.

[42] As noted above, other options exchanges have received approval to list certain cash-settled FLEX ETF Options. *See* Securities Exchange Act Release No. 88131 (February 5, 2020), 85 FR 7806 (February 11, 2020) (SR–NYSEAmer-2019–38) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Allow Certain Flexible Equity Options To Be Cash Settled). Cboe also filed an immediately effective rule change to allow certain FLEX Options to be cash settled. *See* Securities Exchange Act Release No. 98044 (August 2, 2023), 88 FR 53548 (August 8, 2023) (SR-Cboe-2023–036) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Certain Flexible Exchange Equity Options To Be Cash Settled).

of cash-settled FLEX ETF Options would allow these same market participants to better manage the risk associated with the volatility of underlying equity positions given the enhanced liquidity that an exchange-traded product would bring.

In the Exchange's view, cash-settled FLEX ETF Options traded on the Exchange would have three important advantages over the contracts that are traded in the OTC market. First, as a result of greater standardization of contract terms, exchange-traded contracts should develop more liquidity. Second, counter-party credit risk would be mitigated by the fact that the contracts are issued and guaranteed by OCC. Finally, the price discovery and dissemination provided by the Exchange and its members would lead to more transparent markets. The Exchange believes that its ability to offer cash-settled FLEX ETF Options would aid it in competing with the OTC market and at the same time expand the universe of products available to interested market participants. The Exchange believes that an exchange-traded alternative may provide a useful risk management and trading vehicle for market participants and their customers. Further, the Exchange believes listing cash-settled FLEX ETF Options would provide investors with competition on an exchange platform, as other options exchanges have received Commission approval to list the same options.[43]

The Exchange notes that OCC has received approval from the Commission for rule changes that will accommodate the clearance and settlement of cash-settled ETF options.[44] The Exchange has analyzed its capacity and represents that it has the necessary systems capacity to handle the additional traffic associated with the listing of cash-settled FLEX ETF Options. Also, the Exchange understand that The Options Price Reporting Authority (''OPRA'') has the necessary capacity as the products are already trading on OPRA today. The Exchange believes any additional traffic that would be generated from the introduction of cash-settled FLEX ETF Options would be manageable. The Exchange expects that members will not have a capacity issue as a result of this proposed rule change. The Exchange also does not believe this proposed rule change will cause fragmentation of liquidity. The Exchange will monitor the trading volume associated with the additional options series listed as a result of this proposed rule change and the effect (if any) of these additional series on market fragmentation and on the capacity of the Exchange's automated systems.

The Exchange does not believe that allowing cash settlement as a contract term would render the marketplace for equity options more susceptible to manipulative practices. The Exchange believes that manipulating the settlement price of cash-settled FLEX ETF Options would be difficult based on the size of the market for the underlying ETFs that are the subject of this proposed rule change. The Exchange notes that each underlying ETF in the table above is sufficiently active to alleviate concerns about potential manipulative activity. Further, in the Exchange's view, the vast liquidity in the 43 underlying ETFs that would currently be eligible to be traded as cash-settled FLEX options under the proposal ensures a multitude of market participants at any given time. Moreover, given the high level of participation among market participants that enter quotes and/or orders in physically settled options on these ETFs, the Exchange believes it would be very difficult for a single participant to alter the price of the underlying ETF or options overlying such ETF in any significant way without exposing the would-be manipulator to regulatory scrutiny. The Exchange further believes any attempt to manipulate the price of the underlying ETF or options overlying such ETF would also be cost prohibitive. As a result, the Exchange believes there is significant participation among market participants to prevent manipulation of cash-settled FLEX ETF Options.

Still, the Exchange believes it has an adequate surveillance program in place and intends to apply the same program procedures to cash-settled FLEX ETF Options that it applies to the Exchange's other options products.[45] FLEX options products and their respective symbols will be integrated into the Exchange's existing surveillance system architecture and will thus be subject to the relevant surveillance processes, as applicable. The Exchange believes that the existing surveillance procedures at the Exchange are capable of properly identifying unusual and/or illegal trading activity, which procedures the Exchange would utilize to surveil for aberrant trading in cash-settled FLEX ETF Options.

With respect to regulatory scrutiny, the Exchange believes its existing surveillance technologies and procedures adequately address potential concerns regarding possible manipulation of the settlement value at or near the close of the market. The Exchange notes that the regulatory program operated by and overseen by Phlx[46] includes cross-market surveillance designed to identify manipulative and other improper trading, including spoofing, algorithm gaming, marking the close and open, as well as more general, abusive behavior related to front running, wash sales, and quoting/routing, which may occur on the Exchange or other markets.[47] These cross-market patterns incorporate relevant data from various markets beyond the Exchange and its affiliates and from markets not affiliated with the Exchange. The Exchange represents that, today, its existing trading surveillances are adequate to monitor trading in the underlying ETFs and subsequent trading of options on those securities listed on the Exchange. Further, with the introduction of cash-settled FLEX ETF Options, the Exchange would leverage its existing surveillances to monitor trading in the underlying ETFs and subsequent trading of options on those securities listed on the

[43] *See supra* notes 25–27.

[44] *See* Securities Exchange Act Release No. 34–94910 (May 13, 2022), 87 FR 30531 (May 19, 2022) (SR–OCC–2022–003).

[45] For example, the regulatory program for the Exchange includes surveillance designed to identify manipulative and other improper options trading, including, spoofing, marking the close, front running, wash sales, etc.

[46] Phlx maintains a regulatory services agreement with Financial Industry Regulatory Authority, Inc. (''FINRA'') whereby FINRA provides certain regulatory services to the exchanges, including cross-market surveillance, investigation, and enforcement services.

[47] As it relates to Reg SHO violations, the Exchange will enforce this through its Stock-Tied Reg SHO price protections in Options 3, Section 16(b). Specifically, Options 3, Section 16(e) provides that when the short sale price test in Rule 201 of Regulation SHO is triggered for a covered security, NES will not execute a short sale order in the underlying covered security component of a Complex Order if the price is equal to or below the current national best bid. However, NES will execute a short sale order in the underlying covered security component of a Complex Order if such order is marked ''short exempt,'' regardless of whether it is at a price that is equal to or below the current national best bid. If NES cannot execute the underlying covered security component of a Complex Order in accordance with Rule 201 of Regulation SHO, the Exchange will hold the Complex Order on the Complex Order Book, if consistent with Member instructions. The order may execute at a price that is not equal to or below the current national best bid. For purposes of this paragraph, the term ''covered security'' shall have the same meaning as in Rule 201(a)(1) of Regulation SHO. This risk protection will apply wholesale to complex FLEX Orders with a stock component. NES will only execute the underlying covered security component of a Complex Order if the underlying covered security component is in accordance with Rule 201 of Regulation SHO. Additionally, FINRA's regulatory program addresses Reg SHO compliance for its member firms (which includes Exchange Members).

Exchange with respect to cash-settled FLEX ETF options.[48]

Additionally, for options, the Exchange utilizes an array of patterns that monitor manipulation of options, or manipulation of equity securities (regardless of venue) for the purpose of impacting options prices on the Exchange (*i.e.,* mini-manipulation strategies). That surveillance coverage is initiated once options begin trading on the Exchange. Accordingly, the Exchange believes that the cross-market surveillance performed by the Exchange or FINRA, on behalf of the Exchange, coupled with Phlx's own monitoring for violative activity on the Exchange comprise a comprehensive surveillance program that is adequate to monitor for manipulation of the underlying ETF and overlying option. Furthermore, the Exchange believes that the existing surveillance procedures at the Exchange are capable of properly identifying unusual and/or illegal trading activity, which the Exchange would utilize to surveil for aberrant trading in cash-settled FLEX ETF Options.

In addition to the surveillance procedures and processes described above, improvements in audit trails (*i.e.,* the Consolidated Audit Trail), recordkeeping practices, and inter-exchange cooperation over the last two decades have greatly increased the Exchange's ability to detect and punish attempted manipulative activities. In addition, the Exchange is a member of the Intermarket Surveillance Group (''ISG''). The ISG members work together to coordinate surveillance and investigative information sharing in the stock and options markets. For surveillance purposes, the Exchange would therefore have access to information regarding trading activity in the pertinent underlying securities.

The proposed rule change is designed to allow investors seeking to effect cash-settled FLEX ETF Options with the opportunity for a different method of settling option contracts at expiration if they choose to do so. As noted above, market participants may choose cash settlement because physical settlement possesses certain risks with respect to volatility and movement of the underlying security at expiration that market participants may need to hedge against. The Exchange believes that offering innovative products flows to the benefit of the investing public. A robust and competitive market requires that exchanges respond to members' evolving needs by constantly improving their offerings. Such efforts would be stymied if exchanges were prohibited from offering innovative products for reasons that are generally debated in academic literature. The Exchange believes that introducing cash-settled FLEX ETF Options would further broaden the base of investors that use FLEX Equity Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options, where settlement restrictions do not apply. The proposed rule change is also designed to encourage market makers to shift liquidity from the OTC market onto the Exchange, which, it believes, would enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange also believes that this may open up cash-settled FLEX ETF Options to more retail investors. The Exchange does not believe that this proposed rule change raises any unique regulatory concerns because existing safeguards—such as position limits (and the aggregation of cash-settled positions with physically-settled positions), exercise limits (and the aggregation of cash-settled positions with physically-settled positions), and reporting requirements—would continue to apply. The Exchange believes the proposed position and exercise limits may further help mitigate the concerns that the limits are designed to address about the potential for manipulation and market disruption in the options and the underlying securities.[49]

Given the novel characteristics of cash-settled FLEX ETF Options, the Exchange will conduct a review of the trading in cash-settled FLEX ETF Options over an initial five-year period. The Exchange will furnish five reports to the Commission based on this review, the first of which would be provided within 60 days after the first anniversary of the initial listing date of the first cash-settled FLEX ETF Option under the proposed rule and each subsequent annual report to be provided within 60 days after the second, third, fourth and fifth anniversary of such initial listing. At a minimum, each report will provide a comparison between the trading volume of all cash-settled FLEX ETF Options listed under the proposed rule and physically settled options on the same underlying security, the liquidity of the market for such options products and the underlying ETF, and any manipulation concerns arising in connection with the trading of cash-settled FLEX ETF Options under the proposed rule. The Exchange will also provide additional data as requested by the Commission during this five year period. The reports will also discuss any recommendations the Exchange may have for enhancements to the listing standards based on its review. The Exchange believes these reports will allow the Commission and the Exchange to evaluate, among other things, the impact such options have, and any potential adverse effects, on price volatility and the market for the underlying ETFs, the component securities underlying the ETFs, and the options on the same underlying ETFs and make appropriate recommendations, if any, in response to the reports.

Implementation

The Exchange will implement this rule change on or before December 20, 2025. Phlx would commence its implementation with a limited symbol migration and continue to migrate symbols over several weeks. The Exchange will issue an Options Trader Alert to member organizations to provide notification of the symbols that will migrate and the relevant dates.[50]

The Exchange will announce the implementation dates to member organizations in an Options Trader Alert.[51]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[52] in general, and furthers the objectives of Section 6(b)(5) of the Act.[53] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[54] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and

[48] Such surveillance procedures generally focus on detecting securities trading subject to opening price manipulation, closing price manipulation, layering, spoofing or other unlawful activity impacting an underlying security, the option, or both. The Exchange has price movement alerts, unusual market activity and order book alerts active for all trading symbols.

[49] *See* proposed Options 8, Section 34(i)(1), which is based on Cboe Rule 8.35(c)(1)(B). The aggregation of position and exercise limits would include all positions on physically settled FLEX and non-FLEX Options on the same underlying ETFs.

[50] *See https://www.nasdaqtrader.com/MicroNews.aspx?id=OTA2024-17.*

[51] Phlx Options 8, Section 34 rule text was previously amended by two rule changes which are effective, but not yet operative. *See* Securities Exchange Act Release Nos. 97658 (June 7, 2023), 88 FR 38562 (June 13, 2023) (SR–Phlx–2023–22); and 100321 (June 12, 2024), 89 FR 51580 (June 18, 2024) (SR–Phlx–2024–24). Phlx further delayed the implementation so that it could implement SR–Phlx–2023–22 while also completing an OCC industry rule change prior. These two prior rule changes will be implemented at the same time as the rule changes proposed herein.

[52] 15 U.S.C. 78f(b)

[53] 15 U.S.C. 78f(b)(5).

[54] 15 U.S.C. 78f(b)(5).

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.

Permissible Series

The Exchange's proposal to not authorize for trading a FLEX Option on iShares Bitcoin Trust ETF (''IBIT'') is consistent with ISE's Approval Order of iShares Bitcoin Trust.[55] ISE stated that the position limit for IBIT options shall be 25,000 contracts.[56] Phlx proposes to exclude IBIT Options from trading as a FLEX Options to continue to limit the position limits for IBIT Options.

Characteristics of ETFs

The Exchange's proposal to provide in Options 8, Section 34(f)(1)(B) that, ''an underlying equity security or index, as applicable (the index multiplier for FLEX Index Options is 100)'' is consistent with the Act and will protect investors and the general public because this rule text adds transparency to the current characteristics of underlying interest for FLEX Option.

Minimum Trading Increments

The Exchange's proposal to amend Options 8, Section 34(f)(3) to provide that, ''The Exchange may determine the smallest increment for exercise prices of FLEX Options on a class-by-class basis without going lower than the $0.01.'' is consistent with the Act and will protect investors and the general public because this rule text provides clear, transparent language regarding the minimum trading increments for FLEX Options. The language is consistent with Cboe Rule 5.3(e)(3) except the Exchange is not proposing to provide for Micro FLEX Index Options or to allow prices to be expressed as a percentage value because the Exchange does not offer these features today. Also, this rule text is identical to ISE Options 3A, Section 3(c)(6).

FLEX PM Third Friday Options

The Exchange's proposal to amend Options 8, Section 34(f)(5) to allow the listing of FLEX PM Third Friday Options, is consistent with the Commission's recent approval of Cboe's proposal to make its pilot a permanent program.[57] The Exchange believes that aligning to Cboe will allow Phlx to compete effectively with Cboe's product offering. Like Cboe, the Exchange believes that FLEX PM Third Friday Options will provide investors with greater trading opportunities and flexibility. The Exchange notes that the Commission recently approved proposals to make other pilots permitting p.m.-settlement of index options permanent after finding those pilots were consistent with the Act and the options subject to those pilots had no significant impact on the market.[58]

The Exchange further believes that permitting Phlx to list FLEX PM Third Friday Options, similar to Cboe, will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors, while maintaining a fair and orderly market. As described in the FLEX Settlement Pilot Approval, Cboe observed no significant adverse market impact or identified any meaningful regulatory concerns during the nearly 14-year operation of the FLEX PM Third Friday Program as a pilot nor during the 15 years since P.M.-settled index options (SPX) were reintroduced to the marketplace.[59]

As discussed in the FLEX Settlement Pilot Approval, the DERA staff study[60] and corresponding Cboe study concluded that a significantly larger amount of non-FLEX p.m.-settled index options had no significant adverse market impact and caused no meaningful regulatory concerns. Therefore, Cboe concluded that the relatively small amount of FLEX Index Option volume would similarly have no significant adverse market impact or cause no meaningful regulatory concerns.[61]

Cboe also concluded that the introduction of FLEX PM options had no significant impact on the market quality of corresponding a.m.-settled options or other options. As discussed in the FLEX Settlement Pilot Approval, Cboe's analysis conducted after the introduction of SPXW options with Tuesday and Thursday expirations demonstrated no statistically significant impact on the bid-ask or effective

[55] *See* Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR–ISE–2024–03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, To Permit the Listing and Trading of Options on the iShares Bitcoin Trust).

[56] *Id.*

[57] *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35.

[58] *See* Securities Exchange Act Release Nos. 98454 (September 20, 2023) (SR–CBOE–2023–005) (order approving proposed rule change to make permanent the operation of a program that allows the Exchange to list p.m.-settled third Friday-of-the-month SPX options series) (''SPXPM Approval''); 98455 (September 20, 2023) (SR–CBOE–2023–019) (order approving proposed rule change to make permanent the operation of a program that allows the Exchange to list p.m.-settled third Friday-of-the-month XSP and MRUT options series) (''XSP and MRUT Approval''); and 98456 (September 20, 2023) (SR–CBOE–2023–020) (order approving proposed rule change to make the nonstandard expirations pilot program permanent) (''Nonstandard Approval''). See also Securities Exchange Act Release Nos. 98451 (September 20, 2023), 88 FR 66088 (September 26, 2023) (SR–Phlx–2023–07) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Make Permanent Certain P.M.-Settled Pilots); and 98950 (November 15, 2023), 88 FR 81172 (November 21, 2023) (SR–Phlx–2023–45) (Order Approving a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Nasdaq-100 Index Options With a Third-Friday-of-the-Month Expiration).

[59] Notably, Cboe did not identify any significant economic impact (including on pricing or volatility or in connection with reversals) on related futures, the underlying indexes, or the underlying component securities of the underlying indexes surrounding the close as a result of the quantity of FLEX PM Third Friday Options or the amount of expiring open interest in FLEX PM Third Friday Options, nor any demonstrated capacity for options hedging activity to impact volatility in the underlying markets. *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35.

[60] *See* FLEX Settlement Pilot Approval, citing to Securities and Exchange Commission, Division of Economic Risk and Analysis, Memorandum dated February 2, 2021 on Cornerstone Analysis of PM Cash-Settled Index Option Pilots (September 16, 2020), available at: *https://www.sec.gov/files/Analysis_of_PM_Cash_Settled_Index_Option_Pilots.pdf.*

[61] *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35. Additionally, these studies measured any impact on related futures, the underlying indexes, or the underlying component securities of the underlying indexes surrounding the close. Despite FLEX SPX options (which represent approximately half of the year-to-date 2023 volume of FLEX Index Options but only approximately 0.3% of total SPX volume) not being included in the DERA staff study and corresponding Cboe study, those studies concluded that during the time periods covered (which included the period of time in which the Pilot Program has been operating), there was no significant economic impact on the underlying index or related products. Therefore, Cboe concluded that any FLEX SPX Options that executed during the timeframes covered by the studies had no significant impact on the underlying index or related products, as neither DERA staff nor Cboe observed any significant economic impact on the underlying index or related product.

spreads of SPXW options with Monday, Wednesday, and Friday expirations after trading in the SPXW options with Tuesday and Thursday expirations began.[62] Further, Cboe concluded that large FLEX PM Third Friday Options trades had no material negative impact (and likely no impact) on quote quality of non-FLEX a.m.-settled options overlying the same index with similar terms as the FLEX PM Third Friday Option upon evaluating data that showed that the spreads were relatively stable before and after large trades.[63] Therefore, Cboe concluded it is likely that FLEX PM Third Friday Options have had no significant negative impact on the market quality of non-FLEX Options with a.m.-settlement.[64]

Additionally, Cboe noted that the significant changes in the closing procedures of the primary markets in recent decades, including considerable advances in trading systems and technology, has significantly minimized risks of any potential impact of FLEX PM Third Friday Options on the underlying cash markets. As such, Cboe concluded that listing FLEX PM Third Friday Options did not raise any unique or prohibitive regulatory concerns and that such trading has not, and will not, adversely impact fair and orderly markets on expiration Fridays for the underlying indexes or their component securities.

The Exchange notes that p.m.-settled options were previously approved on Phlx's standard market,[65] including p.m.-settled third-Friday-of-the-month expirations for NDX and NXD options.[66] In the P.M.-Settled Pilot Permanency Approval, the Commission stated it believed that the evidence contained in the Exchange's filing, the Exchange's pilot data and reports, and the DERA staff study[67] analysis demonstrate that the Exchange's pilot programs have benefitted investors and other market participants by providing more flexible trading and hedging opportunities while also having no disruptive impact on the market.[68] The Commission also stated that the market for p.m.-settled options has grown in size over the course of the Exchange's pilot programs, and analysis of the pilot data did not identify any significant economic impact on the underlying component securities surrounding the close as a result of expiring p.m.-settled options nor did it indicate a deterioration in market quality (as measured by relative quoted spreads) for an existing product when a new p.m.-settled expiration was introduced.[69] Further, the Commission stated that significant changes in closing procedures in the decades since index options moved to a.m. settlement may also serve to mitigate the potential impact of p.m.-settled index options on the underlying cash markets.[70]

In support of its proposal to list p.m.-settled third-Friday-of-the-month expirations for NDX and XND options on its standard market, the Exchange pointed to, among other things, the data it provided underlying the P.M.-Settled Pilot Permanency Approval.[71] In reviewing this data from the Exchange (and other options exchanges in support of similar proposals to list and trade certain p.m.-settled broad-based index options) as well as the DERA staff study analysis, the Commission concluded that analysis of the pilot data did not identify any significant economic impact on the underlying component securities surrounding the close as a result of expiring p.m.-settled options nor did it indicate a deterioration in market quality for an existing product when a new p.m.-settled expiration was introduced.[72] Further, the Commission made similar findings as those in the P.M.-Settled Pilot Permanency Approval that significant changes in closing procedures in the decades since index options moved to a.m. settlement may also serve to mitigate the potential impact of p.m.-settled index options on the underlying cash markets.[73] The Exchange has observed no significant adverse market impact or identified any meaningful regulatory concerns since the introduction of p.m.-settled index options on its standard market.[74] Given that the Exchange anticipates FLEX PM Third Friday Options to have a relatively smaller amount of volume compared to its standard non-FLEX p.m.-settled index options market, the Exchange believes that introducing FLEX PM Third Friday coupled with the other findings in Cboe's FLEX Settlement Pilot Approval would likely have no significant adverse market impact or cause any meaningful regulatory concerns as well.

FLEX Options Terms

The Exchange's proposal to amend Options 8, Section 34(f)(6)(B) to note the settlement style for FLEX Index Options depending on whether it is a.m.-settled or p.m.-settled is consistent with the Act and will protect investors and the general public because this rule text adds transparency to the current settlement of FLEX Index Options.

Position and Exercise Limits

Position and exercise limits are designed to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. While position and exercise limits should address and discourage the potential for manipulative schemes and

[62] *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35.

[63] Specifically, Cboe evaluated each FLEX PM Third Friday Options trade for more than 500 contracts that occurred on Cboe during a two-year timeframe and analyzed the market quality (specifically, the average time-weighted quote spread and size 30 minutes prior to the trade and the average time-weighted quote spread and size 30 minutes after the trade) of series non-FLEX a.m.-settled options overlying the same index with similar terms as the FLEX PM Third Friday Option that traded (time to expiration, type (call or put), and strike price) as set forth in the Cboe's data. *See* Securities Exchange Act Release No. 99222 (December 21, 2023), 88 FR 89771 (December 28, 2023) (SR–CBOE–2023–018) (''FLEX Settlement Pilot Approval''). In support of making the pilot a permanent program, Cboe cited to its own review of pilot data during the course of the pilot program and a study by the Commission's Division of Economic and Risk Analysis (''DERA'') staff. *See* FLEX Settlement Pilot Approval, notes 18 and 35.

[64] The Exchange acknowledges that, while FLEX PM Third Friday Options has historically represented a very small percentage of overall volume, it is possible trading in these options may grow in the future.

[65] *See* Securities Exchange Act Release No. 98451 (September 20, 2023), 88 FR 66088 (September 26, 2023) (SR–Phlx–2023–07) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Make Permanent Certain P.M.-Settled Pilots) (''P.M.-Settled Pilot Permanency Approval'').

[66] See Securities Exchange Act Release No. 98950 (November 15, 2023), 88 FR 81172(November 21, 2023) (SR–Phlx–2023–45) (Order Approving a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Nasdasq-100 Index® Options With a Third-Friday-of-the-Month Expiration) (''P.M. Third Friday NDX Options Approval'').

[67] *See* P.M.-Settled Pilot Permanency Approval, citing to Securities and Exchange Commission, Division of Economic Risk and Analysis, Memorandum dated February 2, 2021 on Cornerstone Analysis of PM Cash-Settled Index Option Pilots (September 16, 2020) (also referred to therein as the ''Pilot Memo''), available at: *https://www.sec.gov/files/Analysis_of_PM_Cash_Settled_Index_Option_Pilots.pdf.*

[68] *See* P.M.-Settled Pilot Permanency Approval.

[69] *See id.*

[70] *See id.*

[71] *See* P.M.-Settled Pilot Permanency Approval and P.M. Third Friday NDX Options Approval in notes 55 and 56, respectively.

[72] *See* P.M. Third Friday NDX Options Approval.

[73] *See id.*

[74] While the Exchange has received approval to list p.m.-settled third Friday-of-the-month expirations for NDX options on its standard market pursuant to the Third Friday NDX Options Approval, the Exchange has not listed them to date. The Exchange will launch p.m.-settled third-Friday-of-the-month expirations on NDX options concurrent with the launch of this rule proposal.

adverse market impact, if such limits are set too low, participation in the options market may be discouraged. The Exchange believes that any decision regarding imposing position and exercise limits for FLEX Options must therefore be balanced between mitigating concerns of any potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes.

As it relates to FLEX Index Options, the Exchange believes that the proposed amendments to position and exercise limits in Options 8, Section 34(i) and (j) are reasonably designed to prevent a member organization from using FLEX Index Options to evade the position limits applicable to comparable non-FLEX Index Options. Further, by establishing the proposed position and exercise limits for FLEX Index Options and, importantly, aggregating such positions in the manner described in proposed Options 8, Section 34(i)(4) the Exchange believes that the position and exercise limit requirements for FLEX Index Options should help to ensure that the trading of FLEX Index Options would not increase the potential for manipulation or market disruption and could help to minimize such incentives. The Exchange also notes that proposed position and exercise limits are consistent with the rules of other options exchanges that offer FLEX Index Options, as well as the rules of its own standard non-FLEX index options market, and therefore raise no novel issues for the Commission.[75]

As it relates to FLEX Equity Options, while no position limits are proposed for FLEX Equity Options, there are several mitigating factors, which include aggregation of FLEX Equity Option and non-FLEX Equity Option positions that expire on a third Friday-of-the-month and subjecting those positions to position and exercise limits, and daily monitoring of market activity. Similar to the other exchanges that trade FLEX Equity Options, the Exchange believes that eliminating position and exercise limits for FLEX Equity Options, while requiring positions in FLEX Equity Options that expire on a third Friday-of-the-month to be aggregated with positions in non-FLEX Equity Options on the same underlying security,[76] removes impediments to and perfects the mechanism of a free and open market and a national market system because it allows the Exchange to create a product and market that is an improved but comparable alternative to the OTC market in customized options. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process that exists on a public exchange.

The Exchange believes that the proposed elimination of position and exercise limits for FLEX Equity Options may encourage market participants to transfer their liquidity demands from OTC markets to exchanges and enable liquidity providers to provide additional liquidity to Phlx through transactions in FLEX Equity Options. The Exchange notes that the Commission previously approved the elimination of position and exercise limits for FLEX Equity Options, finding that such elimination would allow exchanges ''to better compete with the growing OTC market in customized equity options, thereby encouraging fair competition among brokers and dealers and exchange markets.'' [77] The Commission has also stated that the elimination of position and exercise limits for FLEX Equity Options ''could potentially expand the depth and liquidity of the FLEX equity market without significantly increasing concerns regarding intermarket manipulations or disruptions of the options or the underlying securities.'' [78]

Additionally, the Exchange believes that requiring positions in FLEX Equity Options that expire on a third Friday-of-the-month to be aggregated with positions in non-FLEX Equity Options on the same underlying security subjects FLEX Equity Options and non-FLEX Equity Options to the same position and exercise limits on third Friday-of-the-month expirations. These limitations are intended to serve as a safeguard against potential adverse effects of large FLEX Equity Option positions expiring on the same day as non-FLEX Equity Option positions. As noted above, Cboe Rules 8.35(d)(3) and 8.42(g)(3) have the same requirements. Also, ISE Options 3A, Section 18(c)(1) has identical rule text.

The Exchange believes that any potential risk of manipulative activity is mitigated by existing surveillance technologies, procedures, and reporting requirements at the Exchange, which allows the Exchange to properly identify disruptive and/or manipulative trading activity. In addition to its own surveillance programs, the Exchange also works with other SROs and exchanges on intermarket surveillance related issues. Through its participation in ISG, the Exchange shares information and coordinates inquiries and investigations with other exchanges designed to address potential intermarket manipulation and trading abuses. The Exchange also notes that FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement.[79] The Exchange also represents that it is reviewing its procedures to detect potential manipulation in light of any changes required for FLEX Options to confirm appropriate surveillance coverage. These procedures utilize daily monitoring of market activity via automated surveillance techniques to identify unusual activity in both options and their underlying securities and are designed to protect investors and the public interest by ensuring that the Exchange has an adequate surveillance program in place.

Lastly, the Exchange notes that other exchanges currently trading FLEX options have similar position and exercise limits described above.[80]

Cash-Settled FLEX Equity Options on Exchange Traded Funds (''ETFs'')

Introducing cash-settled FLEX ETF Options will increase order flow to the Exchange, increase the variety of options products available for trading, and provide a valuable tool for investors to manage risk.

The Exchange believes that the proposal to permit cash settlement as a contract term for options on the specified group of equity securities would remove impediments to and perfect the mechanism of a free and open market as cash-settled FLEX ETF Options would enable market participants to receive cash in lieu of shares of the underlying security, which would, in turn provide greater opportunities for market participants to manage risk through the use of a cash-settled product to the benefit of investors and the public interest. The Exchange does not believe that allowing cash settlement as a contract term for options on the specified group of equity

[75] *See* Cboe Rules 8.35(a), (b), (d), and 8.42(g) and Phlx Options 4A, Sections 6(a), 9(a)(13), and 9(a)(14).

[76] *See* proposed Options 8, Section 34(i)(4)(c) and Section 34(j)(1)(c). *See also* Cboe Rules 8.35(d)(3) and 8.42(g)(3); NYSE Arca Rules 5.35–O(a)(iii), (b) and 5.36–O; NYSE American Rules 906G and 907G; and Phlx Options 8, Section 34(e) and (f).

[77] *See* Securities Exchange Act Release No. 42223 (December 10, 1999), 64 FR 71158, 71159 (December 20, 1999) (SR–Amex–99–40) (SR–PCX–99–41) (SR–CBOE–99–59) (Order Granting Accelerated Approval to Proposed Rule Change Relating to the Permanent Approval of the Elimination of Position and Exercise Limits for FLEX Equity Options).

[78] *See id.*

[79] The Exchange notes that it is responsible for FINRA's performance under this regulatory services agreement.

[80] *See* Cboe Rules 8.35(d) and 8.42(g).

securities would render the marketplace for equity options more susceptible to manipulative practices. As illustrated in the table above, each of the qualifying underlying securities is actively traded and highly liquid and thus would not be susceptible to manipulation because, over a six-month period, each security had an average daily notional value of at least $500 million and an ADV of at least 4,680,000 shares, which indicates that there is substantial liquidity present in the trading of these securities, and that there is significant depth and breadth of market participants providing liquidity and of investor interest. The Exchange believes the proposed bi-annual review to determine eligibility for an underlying ETF to have cash settlement as a contract term would remove impediments to and perfect the mechanism of a free and open market as it would permit the Exchange to select only those underlying ETFs that are actively traded and have robust liquidity as each qualifying ETF would be required to meet the average daily notional value and average daily volume requirements, as well as to select the same underlying ETFs on which other exchanges may list cash-settled FLEX ETF Options.[81]

The Exchange believes the proposed change that, for FLEX ETF Options, at least one of exercise style, expiration date, and exercise price must differ from options in the non-FLEX market will provide clarity and eliminate confusion regarding permissible terms of FLEX ETF Options, including the proposed cash-settled FLEX ETF Options.

The Exchange believes that the data provided by the Exchange supports the supposition that permitting cash settlement as a FLEX term for the 43 underlying ETFs that would currently qualify to have cash settlement as a contract term would broaden the base of investors that use FLEX Equity Options to manage their trading and investment risk, including investors that currently trade in the OTC market for customized options, where settlement restrictions do not apply.

The Exchange believes that the proposal to permit cash settlement for certain FLEX ETF options would remove impediments to and perfect the mechanism of a free and open market because the proposed rule change would provide members and member organizations with enhanced methods to manage risk by receiving cash if they choose to do so instead of the underlying security. In addition, this proposal would promote just and equitable principles of trade and protect investors and the general public because cash settlement would provide investors with an additional tool to manage their risk. Further, the Exchange notes that another exchange has previously received approval that allows for the trading of cash-settled options, and, specifically, cash-settled FLEX ETF Options in an identical manner as the Exchange proposes to list them pursuant to this rule filing.[82] The proposed rule change therefore should not raise issues for the Commission that it has not previously addressed.

The proposed rule change to permit cash settlement as a contract term for options on up to 50 ETFs is designed to promote just and equitable principles of trade in that the availability of cash settlement as a contract term would give market participants an alternative to trading similar products in the OTC market. By trading a product in an exchange-traded environment (that is currently traded in the OTC market), the Exchange would be able to compete more effectively with the OTC market. The Exchange believes the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that it would lead to the migration of options currently trading in the OTC market to trading on the Exchange. Also, any migration to the Exchange from the OTC market would result in increased market transparency. Additionally, the Exchange believes the proposed rule change is designed to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest in that it should create greater trading and hedging opportunities and flexibility. The proposed rule change should also result in enhanced efficiency in initiating and closing out positions and heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of the proposed cash-settled options. Further, the proposed rule change would result in increased competition by permitting the Exchange to offer products that are currently available for trading only in the OTC market and are approved to trade on another options exchange.

The Exchange believes that establishing position limits for cash-settled FLEX ETF Options to be the same as physically settled options on the same underlying security, and aggregating positions in cash-settled FLEX ETF Options with physically settled options on the same underlying security for purposes of calculating position limits is reasonable and consistent with the Act. By establishing the same position limits for cash-settled FLEX ETF Options as for physically settled options on the same underlying security and, importantly, aggregating such positions, the Exchange believes that the position limit requirements for cash-settled FLEX ETF Options should help to ensure that the trading of cash-settled FLEX ETF Options would not increase the potential for manipulation or market disruption and could help to minimize such incentives. For the same reasons, the Exchange believes the proposed exercise limits are reasonable and consistent with the Act.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in cash-settled FLEX ETF Options and the underlying ETFs. Regarding the proposed cash settlement, the Exchange would use the same surveillance procedures currently utilized for the Exchange's other FLEX Options. For surveillance purposes, the Exchange would have access to information regarding trading activity in the pertinent underlying ETFs. The Exchange believes that limiting cash settlement to no more than 50 underlying ETFs (currently, 43 ETFs would be eligible to have cash-settlement as a contract term) would minimize the possibility of manipulation due to the robust liquidity in both the equities and options markets.

As a self-regulatory organization, the Exchange recognizes the importance of surveillance, among other things, to detect and deter fraudulent and manipulative trading activity as well as other violations of Exchange rules and the federal securities laws. As discussed above, Phlx has adequate surveillance procedures in place to monitor trading in cash-settled FLEX ETF Options and the underlying securities, including to detect manipulative trading activity in both the options and the underlying ETF.[83] The Exchange further notes the

[81] *See* Securities Exchange Act Release No. 88131 (February 5, 2020), 85 FR 7806 (February 11, 2020) (SR–NYSEAmer–2019–38) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Allow Certain Flexible Equity Options To Be Cash Settled). Cboe also filed an immediately effective rule change to allow certain FLEX Options to be cash settled. *See* Securities Exchange Act Release No. 98044 (August 2, 2023), 88 FR 53548 (August 8, 2023) (SR–Cboe–2023–036) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Certain Flexible Exchange Equity Options To Be Cash Settled).

[82] *See supra* notes 25–27.

[83] Among other things, Phlx's regulatory program includes cross-market surveillance designed to identify manipulative and other improper trading, including spoofing, algorithm gaming, marking the

liquidity and active markets in the underlying ETFs, and the high number of market participants in both the underlying ETFs and existing options on the ETFs, helps to minimize the possibility of manipulation. The Exchange further notes that under Section 19(g) of the Act, the Exchange, as a self-regulatory organization, is required to enforce compliance by its members and persons associated with its members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[84] The Exchange believes its surveillance, along with the liquidity criteria and position and exercise limits requirements, are reasonably designed to mitigate manipulation and market disruption concerns and will permit it to enforce compliance with the proposed rules and other Exchange rules in accordance with Section 19(g) of the Act. The Exchange performs ongoing evaluations of its surveillance program to ensure its continued effectiveness and will continue to review its surveillance procedures on an ongoing basis and make any necessary enhancements and/or modifications that may be needed for the cash settlement of FLEX ETF Options.

Additionally, the Exchange will monitor any effect additional options series listed under the proposed rule change may have on market fragmentation and the capacity of the Exchange's automated systems. The Exchange will take prompt action, including timely communication with the Commission and with other self-regulatory organizations responsible for oversight of trading in options, the underlying ETFs, and the ETFs' component securities, should any unanticipated adverse market effects develop.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act, as all member organizations who wish to trade FLEX Options will be able to trade such options in the same manner. Additionally, positions in FLEX Options of all member organizations will be subject to the same position limits, and such positions will be aggregated in the same manner as described in proposed Options 8, Section 34(i)(4).

The Exchange also does not believe that the proposed rule change will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal promotes inter-market competition by providing another alternative (*i.e.,* exchange markets) to bilateral OTC trading of options with flexible terms. Exchange markets, in contrast with bilateral OTC trading, are centralized, transparent, and have the guarantee of OCC for options traded.

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

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 Act[85] and Rule 19b–4(f)(6)[86] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2025–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2025–20. 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

close and open, as well as more general abusive behavior related to front running, wash sales, and quoting/routing, which may occur on the Exchange and other markets. Furthermore, the Exchange stated that it has access to information regarding trading activity in the pertinent underlying securities as a member of ISG. As it relates to Reg SHO violations, the Exchange will enforce this through its Stock-Tied Reg SHO price protections in Options 3, Section 16(b). Specifically, Options 3, Section 16(b) provides that when the short sale price test in Rule 201 of Regulation SHO is triggered for a covered security, NES will not execute a short sale order in the underlying covered security component of a Complex Order if the price is equal to or below the current national best bid. However, NES will execute a short sale order in the underlying covered security component of a Complex Order if such order is marked ''short exempt,'' regardless of whether it is at a price that is equal to or below the current national best bid. If NES cannot execute the underlying covered security component of a Complex Order in accordance with Rule 201 of Regulation SHO, the Exchange will cancel back the Complex Order to the entering member organization. For purposes of this paragraph, the term ''covered security'' shall have the same meaning as in Rule 201(a)(1) of Regulation SHO. NES will only execute the underlying covered security component of a Complex Order if the underlying covered security component is in accordance with Rule 201 of Regulation SHO.

[84] 15 U.S.C. 78s(g).

[85] 15 U.S.C. 78s(b)(3)(A).

[86] 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 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. The Exchange has satisfied this requirement.

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–Phlx–2025–20 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[87]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07985 Filed 5–7–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102974; File No. SR–CBOE–2025–030]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fees Schedule in Connection With the Exchange's Plans To List and Trade Options That Overlie the S&P 500 Equal Weight Index (''SPEQX Options'')

May 2, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 23, 2025, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to update its Fees Schedule in connection with the Exchange's plans to list and trade options that overlie the S&P 500 Equal Weight Index (''SPEQX options''); specifically, the Exchange proposes to adopt certain standard transaction fees in connection with SPEQX options, include/exclude SPEQX options from certain surcharges, exclude SPEQX options from certain fees programs, and adopt a SPEQX LMM Incentive Program. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule in connection with its plans to list and trade options that overlie the S&P 500 Equal Weight Index (''SPEQX options'').[3] By way of background, the S&P 500 Equal Weight Index is the equal-dollar weighted version of the S&P 500 Index (which is capitalization-weighted). The S&P 500 Index measures the performance of approximately 500 of the largest capitalization stocks in the United States. The constituents of the S&P 500 Equal Weight Index are the same as those of the S&P 500 Index, except each constituent is allocated a fixed weight (rather than a capitalization weight as is the case for the S&P 500 Index). SPEQX options are cash-settled options based on the S&P 500 Equal Weight Index.

The Exchange proposes to amend its Fees Schedule to accommodate the planned listing and trading of SPEQX options.

Standard Transaction Rates and Surcharges

First, the Exchange proposes to adopt certain standard transaction fees in connection with SPEQX options. Specifically, the proposed rule change adopts certain fees for SPEQX options in the Rate Table for All Products Excluding Underlying Symbol A,[4] as follows:

- Adopts fee code E1, appended to all Customer (capacity ''C'') orders in SPEQX options and assesses a fee of $0.05 per contract; [5]
- Adopts fee code E2, which is appended to all non-Customer (*i.e.,* Clearing Trading Permit Holders (capacity ''F''), Non-Clearing Trading Permit Holder Affiliates (capacity ''L''), Market-Maker (capacity ''M''), Broker-Dealers (capacity ''B''), Joint Back-Offices (capacity ''J''), Non-Trading Permit Holder Market-Makers (capacity ''N''), and Professionals (capacity ''U'')) orders in SPEQX options and assesses a fee of $0.25 per contract;

In addition to the above transaction fees, the proposed rule change also adopts a surcharge to SPEQX options transactions within the Rate Table—All Products Excluding Underlying Symbol List A. Specifically, the proposed rule change adds SPEQX options to the list of options for which the FLEX Surcharge Fee of $0.10 (capped at $250 per trade) applies to electronic FLEX orders executed by all capacity codes, except for Cboe Compression Services (''CCS'') and FLEX Micro transactions.[6]

The Exchange also proposes to exclude non-Customer complex orders in SPEQX from the Complex Surcharge by amending Footnote 35 (appended to the Complex Surcharge) to provide that the Complex Surcharge applies per contract per side surcharge for noncustomer complex order executions that remove liquidity from the Complex Order Book (''COB'') and auction responses in the Complex Order Auction (''COA'') and AIM in all classes

[87] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on April 14, 2025 (SR–CBOE–2025–027). On April 23, 2025, the Exchange withdrew that filing and submitted this proposal.

[4] Underlying Symbol List A includes OEX, XEO, RUT, RLG, RLV, RUI, UKXM, SPX (includes SPXW), SPESG and VIX. *See* Exchange Fees Schedule, Footnote 34.

[5] Under the proposed changes, the Customer Large Trade Discount Program, set forth in the Exchange Fees Schedule, will apply to Customer orders in SPEQX options (included in ''Other Index Options'' under the program). Under the program, a customer large trade discount program in the form of a cap on customer (''C'' capacity code) transaction fees is in effect for the options set forth in the Customer Large Trade Discount table. For SPEQX options, regular customer transaction fees will only be charged for up to 5,000 contracts per order, similar to other index options other than VIX, SPX/SPXW, SPESG, and XSP.

[6] The FLEX Surcharge Fee will only be charged up to the first 2,500 contracts per trade. *See* Exchange Fees Schedule, Footnote 17.

except CBTX, MBTX, MRUT, NANOS, SPEQX, XSP, FLEX Micros, Sector Indexes and Underlying Symbol List A.

Fees Programs

The Exchange proposes to exclude SPEQX options from the Liquidity Provider Sliding Scale, which offers credits on Market-Maker orders where a Market-Maker achieves certain volume thresholds based on total national Market-Maker volume in all underlying symbols, excluding Underlying Symbol List A, CBTX, MBTX, MRUT, MXACW, MXUSA, MXWLD, NANOS, XSP and FLEX Micros during the calendar month. Specifically, the proposed rule change updates the Liquidity Provider Sliding Scale table to provide that volume thresholds are based on total national Market-Maker volume in all underlying symbols excluding Underlying Symbol List A, CBTX, MBTX, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros during the calendar month, and that it applies in all underlying symbols excluding Underlying Symbol List A, CBTX, MBTX, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros. The proposed rule change also updates Footnote 10 (appended to the Liquidity Provider Sliding Scale) to provide that the Liquidity Provider Sliding Scale applies to Liquidity Provider (Exchange Market-Maker, DPM and LMM) transaction fees in all products except (1) Underlying Symbol List A, CBTX, MBTX, MRUT, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros, (2) volume executed in open outcry, and (3) volume executed via AIM Responses.

The proposed rule change also updates Footnote 44 (appended to the Liquidity Provider Sliding Scale Adjustment Table) to exclude SPEQX volume from the program by providing (in relevant part) that the Make Rate under the Liquidity Provider Sliding Scale Adjustment Table be derived from a Liquidity Provider's electronic volume the previous month in all symbols excluding Underlying Symbol List A, CBTX, MBTX, SPEQX, and XSP.

The proposed rule change updates the Volume Incentive Program (''VIP'') table to also exclude SPEQX volume from the VIP, which currently offers a per contract credit for certain percentage threshold levels of monthly Customer volume in all underlying symbols, excluding Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, XSP and FLEX Micros. The proposed rule change also amends Footnote 36 (appended to the VIP table) to reflect the proposed exclusion of SPEQX from the VIP by providing (in relevant part) that: the Exchange shall credit each TPH the per contract amount resulting from each public customer (''C'' capacity code) order transmitted by that TPH which is executed electronically on the Exchange in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP, FLEX Micros, QCC trades, public customer to public customer electronic complex order executions, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 5.67, provided the Trading Permit Holder (''TPH'') meets certain percentage thresholds in a month as described in the Volume Incentive Program (VIP) table; the percentage thresholds are calculated based on the percentage of national customer volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, DJX, XSP and FLEX Micros entered and executed over the course of the month; and in the event of a Cboe Options System outage or other interruption of electronic trading on Cboe Options, the Exchange will adjust the national customer volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, DJX, XSP and FLEX Micros for the entire trading day.

The proposed rule change excludes SPEQX options from the list of products eligible to receive Break-Up Credits in orders executed in AIM, SAM, FLEX AIM, and FLEX SAM, by amending the Break-Up Credits table to exclude SPEQX along with the products currently excluded—Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, XSP and FLEX Micros.

The Exchange proposes to exclude SPEQX options from the Marketing Fee Program by updating the Marketing Fee table to provide that the marketing fee will be assessed on transactions of Market-Makers (including DPMs and LMMs), resulting from customer orders at the per contract rate provided above on all classes of equity options, options on ETFs, options on ETNs and index options, except that the marketing fee shall not apply to Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, XSP, SPEQX, NANOS, FLEX Micros or Underlying Symbol List A. The Exchange notes that, in this way, SPEQX options will be treated as most of the Exchange's other exclusively listed products that are currently excluded from the Marketing Fee Program. The Exchange does believe that it is necessary at the point of newly listing and trading for SPEQX options to be eligible for the Marketing Fee Program and may determine in the future to submit a fee filing to add SPEQX to the Marketing Fee Program if the Exchange believes it would potentially generate more customer order flow in SPEQX options.

The Exchange proposes to exclude SPEQX options from the Floor Broker Sliding Scale Rebate Program, which offers rebates for Firm Facilitated and non-Firm Facilitated orders that correspond to certain volume tiers and is designed to incentivize order flow in multiply listed options to the Exchange's trading floor. The Exchange proposes to update the Floor Broker Sliding Scale Rebate Program to provide that the Floor Broker Sliding Scale Rebate Program applies to all products except Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP and FLEX Micros.

The Exchange next proposes to exclude SPEQX options from eligibility for the Order Router Subsidy (''ORS'') and Complex Order Router Subsidy (''CORS'') Programs, in which Participating TPHs or Participating Non-Cboe TPHs may receive a payment from the Exchange for every executed contract routed to the Exchange through their system in certain classes. Specifically, the proposed rule change updates the ORS/CORS Program tables to provide that ORS/CORS participants whose total aggregate non-customer ORS and CORS volume is greater than 0.25% of the total national volume (excluding volume in options classes included in Underlying Symbol List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros) will receive an additional payment for all executed contracts exceeding that threshold during a calendar month. The proposed rule change also updates Footnote 29 (appended to the ORS Program table) to provide that Cboe Options does not make payments under the program with respect to executed contracts in options classes included in Underlying Symbols List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW,

MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros or with respect to complex orders or spread orders; and updates Footnote 30 (appended to the CORS Program table) to provide that Cboe Options does not make payments under the program with respect to executed contracts in options classes included in Underlying Symbols List A, Sector Indexes, DJX, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, SPEQX, XSP or FLEX Micros.

The Exchange also proposes to amend Footnote 6, which states that in the event of an Exchange System outage or other interruption of electronic trading on the Exchange that lasts longer than 60 minutes, the Exchange will adjust the national volume in all underlying symbols excluding Underlying Symbol List A, Sector Indexes, CBTX, MBTX, MRUT, MXEA, MXEF, MXACW, MXUSA, MXWLD, NANOS, DJX, XSP and FLEX Micros for the entire trading day. The Exchange proposes to add SPEQX options to the list of options.

The Exchange also proposes to exclude Firm (*i.e.,* Clearing Trading Permit Holders (capacity ''F'') and Non-Clearing Trading Permit Holder Affiliates (capacity ''L'')) transactions in SPEQX from the Clearing TPH Fee Cap. Specifically, it amends footnote 22 (appended to the Clearing TPH Fee Cap table) to provide that all non-facilitation business executed in AIM or open outcry, or as a QCC or FLEX transaction, transaction fees for Clearing TPH Proprietary and/or their Non-TPH Affiliates in all products except CBTX, MBTX, MRUT, NANOS, XSP, SPEQX, FLEX Micros, Sector Indexes and Underlying Symbol List A, in the aggregate, are capped at $65,000 per month per Clearing TPH. The proposed rule change additionally updates Footnote 11 (which is also appended to the Clearing TPH Fee Cap table) to provide that the Clearing TPH Fee Cap in all products except CBTX, MBTX, MRUT, NANOS, XSP, SPEQX, FLEX Micros, Underlying Symbol List A and Sector Indexes (the ''Fee Cap''), the Cboe Options Proprietary Products Sliding Scale for Clearing TPH Proprietary Orders, and the Clearing TPH Proprietary VIX Sliding Scale apply to (i) Clearing TPH proprietary orders (''F'' capacity code), and (ii) orders of Non-TPH Affiliates of a Clearing TPH.

LMM Incentive Programs

Finally, the Exchange proposes to adopt a financial program in connection with SPEQX options for LMMs appointed to the programs (the ''LMM Incentive Program'').[7] The LMM Incentive Program provides a rebate to TPHs with LMM appointments to the incentive program that meet certain quoting standards in the applicable series in a month. The Exchange notes that meeting or exceeding the quoting standards (as proposed; described in further detail below) in the LMM Incentive Program product to receive the applicable rebate (as proposed; described in further detail below) is optional for an LMM appointed to the program. Rather, an LMM appointed to an incentive program is eligible to receive the corresponding rebate if it satisfies the applicable quoting standards, which the Exchange believes encourages the LMM to provide liquidity in the applicable class and trading session. The Exchange may consider other exceptions to the program's quoting standards based on demonstrated legal or regulatory requirements or other mitigating circumstances. In calculating whether an LMM appointed to an incentive program meets the applicable program's quoting standards each month, the Exchange excludes from the calculation in that month the business day in which the LMM missed meeting or exceeding the quoting standards in the highest number of the applicable series.

The Exchange notes that it currently offers several LMM Incentive Programs for other proprietary Exchange products. The proposed heightened quoting standards are similar to the detail and format (corresponding premiums, quote widths, and sizes) of the quoting standards currently in place for LMM Incentive Programs for other proprietary Exchange products,[8] and, similar to the LMM Incentive Programs with respect to other propriety Exchange products, the heightened quoting requirements offered by each of the proposed LMM Incentive Programs are designed to incentivize LMMs appointed to the LMM Incentive Programs to provide liquidity in SPEQX options during the trading day upon their listing and trading on the Exchange and thereafter, which, in turn, would provide greater trading opportunities, added market transparency and enhanced price discovery for all market participants in SPEQX options.

The Exchange proposes to adopt a SPEQX LMM Incentive Program (''SPEQX LMM Incentive Program''). As proposed, the SPEQX LMM Incentive Program provides that if an LMM appointed to the SPEQX LMM Incentive Program provides continuous electronic quotes during Regular Trading Hours (''RTH'') that meet or exceed the proposed heightened quoting standards (below) in at least 90% of SPEQX series 90% of the time in a given month, the LMM will receive a payment for that month in the amount of $15,000 (or pro-rated amount if an appointment begins after the first trading day of the month or ends prior to the last trading day of the month) for that month.

[7] *See* Exchange Rule 3.55(a). In advance of the LMM Incentive Program effective date, the Exchange will send a notice to solicit applications from interested TPHs for the LMM role and will, from among those applications, select the program LMMs. Factors to be considered by the Exchange in selecting LMMs include adequacy of capital, experience in trading options, presence in the trading crowd, adherence to Exchange rules and ability to meet the obligations specified in Rule 5.55.

[8] *See* Exchange Fees Schedule, ''MRUT LMM Incentive Program'', ''MSCI LMM Incentive Program'', ''MXACW LMM Incentive Program'', ''MXUSA LMM Incentive Program'', ''MXWLD LMM Incentive Program'', ''NANOS LMM Incentive Program'', ''GTH VIX/VIXW LMM Incentive Program'', ''GTH1 SPX/SPXW LMM Incentive Program'', ''GTH2 SPX/SPXW LMM Incentive Program'', ''RTH XSP LMM Incentive Program'', ''GTH1 XSP LMM Incentive Program'', ''GTH2 XSP LMM Incentive Program'', ''RTH SPESG LMM Incentive Program'', ''RTH MBTX/MBTXW LMM Incentive Program'', and ''RTH CBTX/CBTXW LMM Incentive Program.''

	7 days or less		8 days to 30 days		31 days to 90 days		90 to 270 days	
	Width	Size	Width	Size	Width	Size	Width	Size
VIX Value at Prior Close ≤18:								
$0.00–$3.00	$0.40	10	$0.50	10	$0.60	10	$0.90	3
$3.01–$8.00	0.60	10	0.70	10	0.90	10	1.20	3
$8.01–$15.00	3.00	5	2.00	5	2.50	5	3.00	2
$15.01–$25.00	8.00	3	5.00	5	5.00	5	5.00	2
$25.01–$35.00	10.00	1	10.00	3	10.00	5	7.00	2
$35.01–$50.00	15.00	1	15.00	1	15.00	1	15.00	1
Greater than $50.00	20.00	1	20.00	1	20.00	1	20.00	1
VIX Value at Prior Close >18 and <25:								
$0.00–$3.00	0.60	10	0.80	5	0.90	5	1.10	3
$3.01–$8.00	0.80	10	1.00	5	1.40	5	2.00	3
$8.01–$15.00	3.50	5	2.50	5	3.00	5	3.50	2
$15.01–$25.00	8.00	3	8.00	3	5.00	3	5.00	2
$25.01–$35.00	10.00	1	10.00	1	10.00	1	9.00	1
$35.01–$50.00	20.00	1	20.00	1	20.00	1	20.00	1
Greater than $50.00	25.00	1	25.00	1	25.00	1	25.00	1
VIX Value at Prior Close ≥25:								
$0.00–$3.00	0.80	5	1.00	5	1.30	5	1.50	2
$3.01–$8.00	1.80	5	2.00	5	2.50	5	3.00	2
$8.01–$15.00	3.50	3	4.00	3	4.50	5	5.00	2
$15.01–$25.00	12.00	1	7.50	3	8.00	3	6.00	1
$25.01–$35.00	15.00	1	15.00	1	15.00	1	10.00	1
$35.01–$50.00	20.00	1	20.00	1	20.00	1	20.00	1
Greater than $50.00	25.00	1	25.00	1	25.00	1	25.00	1

The heightened quoting requirements offered by the SPEQX LMM Incentive Program is designed to incentivize LMMs appointed to the SPEQX LMM Incentive Program to provide significant liquidity in SPEQX options during the trading day upon their listing and trading on the Exchange, which, in turn, would provide greater trading opportunities, added market transparency and enhanced price discovery for all market participants in SPEQX options.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] 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) [11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

Standard Transaction Rates and Surcharges

The Exchange believes that the proposed amendments to the Fees Schedule in connection with standard transaction rates and surcharges for SPEQX options transactions are reasonable, equitable and not unfairly discriminatory. The Exchange believes that the proposed standard transaction rates for Customer and non-Customer orders in SPEQX options are reasonable. Specifically, the proposed fees are in line with fees for transactions in other Exchange proprietary products, when taking into account adjustments for notional size differences. Additionally, the Exchange believes it is reasonable to charge different fee amounts to different user types in the manner proposed because the proposed fees are consistent with the price differentiation that exists today for other index products.

The Exchange believes it is reasonable to apply the FLEX Surcharge Fee to SPEQX options, as the FLEX Surcharge Fee assists the Exchange in recouping the cost of developing and maintaining the FLEX system. Moreover, the Exchange believes it is reasonable to exclude SPEQX options from the Complex Surcharge because the proposed surcharge exclusions will provide consistency between the fees assessed for orders in other proprietary products, including CBTX, MBTX, MRUT, NANOS, XSP, FLEX Micros, Sector Indexes and Underlying Symbol List A.

The Exchange believes the proposed standard transaction rates and inclusion/exclusion from certain surcharges are equitable and not unfairly discriminatory because they will apply automatically and uniformly to all capacities as applicable (*i.e.,* Customer and non-Customer), in SPEQX options. The Exchange also believes that it is equitable and not unfairly discriminatory to assess lower fees to Customers as compared to other market participants because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, Customer

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] 15 U.S.C. 78f(b)(4).

liquidity benefits all market participants by providing more trading opportunities, which attracts Market-Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. The fees offered to Customers are intended to attract more Customer trading volume to the Exchange. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current Fees Schedule currently does so in many places, as do the fees structures of many other exchanges. Finally, all fee amounts listed as applying to Customers will be applied equally to all Customers (meaning that all Customers will be assessed the same amount).

Fees Programs

The Exchange believes that the proposed updates to the Fees Schedule in connection with the application of certain fees programs to transactions in SPEQX options are reasonable, equitable and not unfairly discriminatory. The Exchange believes it is reasonable to exclude SPEQX options from the Liquidity Provider Sliding Scale, the VIP, Break-Up Credits applicable to Customer Agency Orders in AIM and SAM, the Marketing Fee, the Floor Broker Sliding Scale Rebate Program, and the ORS/CORS program because other proprietary index products are also excepted from these programs.[13] Moreover, the Exchange notes that the proposed rule change does not alter any of the existing programs, but instead, merely proposes not to include transactions in SPEQX options in those programs.

The Exchange believes that excluding SPEQX options transactions from certain fees programs is equitable and not unfairly discriminatory because the programs will equally not apply to, or exclude in the same manner, all market participants' orders in SPEQX options. The Exchange notes that the proposed rule change does not alter any of the existing program rates or volume calculations, but instead, merely proposes to include (or not to) include transactions in SPEQX options in those programs and volume calculations in the same way that transactions in proprietary index products are (or are not) currently included.

[13] *See* Exchange Fees Schedule, Liquidity Provider Sliding Scale, Volume Incentive Program, Break-Up Credits, Marketing Fee, Floor Broker Sliding Scale Rebate Program, Order Router Subsidy Program and Complex Order Router Subsidy Program.

LMM Incentive Program

The Exchange believes the proposed LMM Incentive Program is reasonable, equitable and not unfairly discriminatory. Particularly, the proposed SPEQX LMM Incentive Program is a reasonable financial incentive program because the proposed heightened quoting standards and rebate amount for meeting the heightened quoting standards in SPEQX series, as applicable, are reasonably designed to incentivize LMMs appointed to the Program to meet the proposed heightened quoting standards during RTH for SPEQX, as applicable, thereby providing liquid and active markets, which facilitates tighter spreads, increased trading opportunities, and overall enhanced market quality to the benefit of all market participants, particularly in newly listed and traded products on the Exchange during the trading day.

The Exchange believes that the proposed heightened quoting standards are reasonable because they are similar to the detail and format (corresponding premiums, quote widths, and sizes) of the quoting standards currently in place for LMM Incentive Programs for other proprietary Exchange products.[14] The Exchange believes the proposed heightened quoting standards for the SPEQX LMM Incentive Programs reasonably reflect what the Exchange believes will be typical market characteristics in SPEQX options, given their notional value and general anticipated retail base.

Further, the Exchange believes the proposed percentage of the series (90% of each series) in which an LMM must meet the proposed heightened quoting requirements is reasonable given the new market ecosystem for SPEQX options. The Exchange believes the proposed percentage of the series is reasonably commensurate with the potentially higher risk, and challenge in achieving the heightened quoting requirements, LMMs would have to take on in a newly listed and traded options class on the Exchange. The Exchange notes that the percentage of the series in place under the LMM Programs for MXWLD options (90% of series), which is comparable in terms of potentially higher risk and challenge in achieving heightened quoting requirements, are tailored in a similar manner.

The Exchange further believes that the proposed rebate amounts received for SPEQX ($15,000) options is reasonable because it is comparable to the rebates offered by other LMM Incentive Programs offered by the Exchange. For example, the LMM Program for MXWLD options, which is comparable in terms of potentially higher risk and challenge in achieving heightened quoting requirements, currently offers $15,000 per class, per month to appointed LMMs for MXWLD options if the heightened quoting standards are met in a given month. The Exchange believes that the proposed rebate amounts are reasonably designed to continue to incentivize an LMM appointed to the respective program to meet the applicable quoting standards for SPEQX options, thereby providing liquid and active markets, which facilitates tighter spreads, increased trading opportunities, and overall enhanced market quality to the benefit of all market participants.

Finally, the Exchange believes it is equitable and not unfairly discriminatory to offer the financial incentive to LMMs appointed to the LMM Incentive Program, because it will benefit all market participants trading in SPEQX during RTH by encouraging the appointed LMMs to satisfy the heightened quoting standards, which incentivizes continuous increased liquidity and thereby may provide more trading opportunities and tighter spreads. Indeed, the Exchange notes that these LMMs serve a crucial role in providing quotes and the opportunity for market participants to trade SPEQX, which can lead to increased volume, providing for robust markets. The Exchange ultimately proposes to offer the SPEQX LMM Incentive Program to sufficiently incentivize the appointed LMMs to provide key liquidity and active markets in the newly listed and traded SPEQX options during the trading day to encourage liquidity, thereby protecting investors and the public interest. The Exchange also notes that an LMM appointed to the LMM Incentive Program may undertake added costs each month to satisfy heightened quoting standards (*e.g.,* having to purchase additional logical connectivity). The Exchange believes the proposed program is equitable and not unfairly discriminatory because similar programs currently exist for LMMs appointed to programs in other

[14] *See* Exchange Fees Schedule, ''MRUT LMM Incentive Program'', ''MSCI LMM Incentive Program'', ''MXACW LMM Incentive Program'', ''MXUSA LMM Incentive Program'', ''MXWLD LMM Incentive Program'', ''NANOS LMM Incentive Program'', ''GTH VIX/VIXW LMM Incentive Program'', ''GTH1 SPX/SPXW LMM Incentive Program'', ''GTH2 SPX/SPXW LMM Incentive Program'', ''RTH XSP LMM Incentive Program'', ''GTH1 XSP LMM Incentive Program'', ''GTH2 XSP LMM Incentive Program'', ''RTH SPESG LMM Incentive Program'', ''RTH MBTX/MBTXW LMM Incentive Program'', and ''RTH CBTX/CBTXW LMM Incentive Program.''

proprietary products,[15] and the proposed programs will equally apply to any TPH that is appointed as an LMM to the LMM Incentive Program. Additionally, if an appointed LMM does not satisfy the heightened quoting standards in SPEQX (as applicable) for any given month, then it simply will not receive the offered payment for that month.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed SPEQX transaction fees for the separate types of market participants will be assessed automatically and uniformly to all such market participants, *i.e.,* all qualifying Customer orders in SPEQX options will be assessed the same amount and all qualifying non-Customer orders in SPEQX options will be assessed the same amount. As discussed above, while different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, preferential pricing to Customers is a long-standing options industry practice which serves to enhance Customer order flow, thereby attracting Market-Makers to facilitate tighter spreads and trading opportunities to the benefit of all market participants. Additionally, the proposed surcharge will be assessed uniformly to all market participants to whom the FLEX Surcharge applies.

Further, the proposed rule change will uniformly exclude all transactions in SPEQX options from certain programs and surcharge (*i.e.,* Liquidity Provider Sliding Scale, the VIP, Break-Up Credits applicable to Customer Agency Orders in AIM and SAM, the Marketing Fee, the Floor Broker Sliding Scale Rebate Program, the ORS/CORS program, and the Complex Surcharge), as it currently does for many of the Exchange's other proprietary products. Overall, the proposed rule change is designed to increase incentive for customer order flow providers to submit customer order flow in a newly listed and traded product, which, as indicated above, contributes to a more robust market ecosystem to the benefit of all market participants.

The Exchange also does not believe that the proposed LMM Incentive Program for SPEQX options would impose any burden on intramarket competition because it applies to all LMMs appointed to the LMM Incentive Program in a uniform manner, in the same way similar programs apply to appointed LMMs in other proprietary products today. To the extent appointed LMMs receive a benefit that other market participants do not, these LMMs in their role as Market-Makers on the Exchange have different obligations and are held to different standards. For example, Market-Makers play a crucial role in providing active and liquid markets in their appointed products, especially in the newly developing SPEQX market, thereby providing a robust market which benefits all market participants. Such Market-Makers also have obligations and regulatory requirements that other participants do not have. The Exchange also notes that an LMM appointed to an incentive program may undertake added costs each month to satisfy heightened quoting standards (*e.g.,* having to purchase additional logical connectivity). The Exchange also notes that the LMM Incentive Program, like the other LMM Incentive Programs, is designed to attract additional order flow to the Exchange, wherein greater liquidity benefits all market participants by providing more trading opportunities, tighter spreads, and added market transparency and price discovery, and signals to other market participants to direct their order flow to those markets, thereby contributing to robust levels of liquidity.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes apply only to products exclusively listed on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4[17] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2025–030 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–CBOE–2025–030. 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

[15] *Id.*

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

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–CBOE–2025–030 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07982 Filed 5–7–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102983; File No. SR–FICC–2025–012]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Rules Relating to the Legal Entity Identifier Requirement

May 2, 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 25, 2025, Fixed Income Clearing Corporation (''FICC'') 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. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4) thereunder.[4] 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 proposed rule change consists of amendments to the Rules in order to require (i) each applicant applying to become an MBSD Clearing Member or MBSD Cash Settling Bank Member to obtain and provide a Legal Entity Identifier (''LEI'') to FICC as part of its membership application and (ii) each GSD Funds-Only Settling Bank Member, MBSD Clearing Member and MBSD Cash Settling Bank Member to have a current LEI on file with FICC at all times. FICC is also proposing to revise the defined term used in the GSD Rules relating to LEIs to conform to the proposed defined term being added to the MBSD Rules.[5]

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

The purpose of the proposed rule change is to amend the Rules in order to require (i) each applicant applying to become an MBSD Clearing Member or MBSD Cash Settling Bank Member to obtain and provide a LEI to FICC as part of its membership application and (ii) each GSD Funds-Only Settling Bank Member, MBSD Clearing Member and MBSD Cash Settling Bank Member to have a current LEI on file with FICC at all times. FICC is also proposing to revise the defined term used in the GSD Rules relating to LEIs to conform to the proposed defined term being added to the MBSD Rules.

Background

LEI Background

An LEI is a 20-character reference code to uniquely identify legally distinct entities that engage in financial transactions.[6] The LEI system was developed by the Financial Stability Board[7] together with finance ministers and central bank governors represented in the Group of 20 in the wake of the 2008 financial crisis.[8] The Financial Stability Board established GLEIF in June 2014 to support the implementation and use of LEIs.[9] The Regulatory Oversight Committee (''ROC''), a group of public authorities from around the globe, oversees GLEIF and the global LEI system.[10]

LEIs are issued by entities called Local Operating Units (''LOUs'') that are accredited by GLEIF to issue LEIs within certain jurisdictions.[11] LOUs validate information about an entity and issue a unique LEI for that entity. An LEI provides information about legal entities, including the official legal name, registered address, country of incorporation, registration authority and the entities' ownership structure, including parent and child organizations.

Adding the LEI Requirement for FICC

FICC's parent entity, The Depository Trust & Clearing Corporation (''DTCC''),[12] provides technology resources and support services to FICC and DTCC's other subsidiaries, including providing support for onboarding, lifecycle management and risk management of the subsidiaries' applicants and members. Certain of DTCC's subsidiaries, including FICC with respect to GSD,[13] currently require that its applicants and members obtain and provide an LEI. However, this requirement is not consistent across DTCC's subsidiaries and services, including MBSD.

FICC is proposing to add a requirement that its applicants and members of MBSD and GSD Funds-Only

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Terms not defined herein are defined in the FICC Government Securities Division (''GSD'') Rulebook (''GSD Rules'') and the FICC Mortgage-Backed Securities Division (''MBSD'') Clearing Rules (''MBSD Rules'' and together with the GSD Rules and the MBSD Rules, the ''Rules''), *available at www.dtcc.com/legal/rules-and-procedures.*

[6] *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.* The LEI is based on the ISO 17442 standard developed by the International Organization for Standardization and satisfies the standards implemented by the Global Legal Entity Identifier Foundation (''GLEIF''). *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.*

[7] The Financial Stability Board is an international body that monitors and makes recommendations about the global financial system. *See www.fsb.org.*

[8] *See www.gleif.org/en/about/history.*

[9] *See supra* note 6. *See also www.gleif.org/en/about/this-is-gleif.*

[10] The ROC is a group of public authorities from around the globe established in January 2013 to coordinate and oversee the global LEI system. *See www.gleif.org/en/about/governance/regulatory-oversight-committee-roc.*

[11] *See www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[12] DTCC is a non-public holding company that owns three registered clearing agencies and related businesses. In addition to FICC, DTCC also owns the following registered clearing agencies: The Depository Trust Company and the National Securities Clearing Corporation.

[13] FICC implemented LEI requirements for GSD in compliance with a rule adopted by the Office of Financial Research of the U.S. Department of Treasury establishing a data collection requirement covering centrally cleared transactions in the U.S. repurchase market. *See* Securities Exchange Act Release No. 88557 (Apr. 3, 2020), 85 FR 19979 (Apr. 9, 2020) (SR–FICC–2020–002).

Settling Bank Members obtain and provide an LEI to FICC similar to the requirement currently in place for GSD.[14] FICC believes that requiring such applicants and members to obtain and provide an LEI to FICC would improve the quality of data that is collected from its participants as well as the process for collecting that data, including providing the following benefits:

• Simplify Operational Processes—LEIs would help simplify and expedite due diligence and know your customer (''KYC'') verification of participants enabling FICC to do business with participants faster and safer.

• Enhance Risk Management—LEIs provide information about counterparty relationships and hierarchies within and between financial entities, improving counterparty risk assessment and management.

• Leverage Existing Capabilities—The use of LEIs would allow FICC to leverage existing DTCC technology and data to create automatic upfront validations to support participant onboarding and lifecycle management for FICC and DTCC's other subsidiaries.

• Reliable Data Source—The LEI system is supported by a trusted method of verifying the identity of the legal entity in question and would provide a reliable data source. This is supported by the LOUs maintenance of all respective reference and identification data and the overall global LEI system which is coordinated and overseen by ROC.

• Reduction in Record Duplication—The use of LEIs would reduce overlap and duplication of data within databases, helps streamline data reconciliations and reduce data errors by decreasing the requirements for manual comparison of different databases.

Implementing an LEI requirement is also intended to improve DTCC's ability to manage data across its subsidiaries, including FICC. Many participants are shared among FICC and its affiliates. Currently, there is no consistent requirement for submission of an industry identifier by FICC and DTCC's other subsidiaries. This has impacted DTCC's ability to profile its subsidiaries' participants quickly and efficiently across all the subsidiaries' products and services. DTCC's other subsidiaries are also implementing an LEI requirement consistent with the LEI requirements being proposed for FICC.

[14] *Id.*

Member Impact

Based on an analysis by FICC, approximately 97% of MBSD Members currently have an LEI. Adding the LEI requirement would require the MBSD Members and GSD Funds-Only Settling Bank Members that have not obtained an LEI to select an LOU,[15] apply for an LEI, and once obtained provide the LEI to FICC. The MBSD Members and GSD Funds-Only Settling Bank Members would also need to renew the LEI periodically. The expense of obtaining and renewing an LEI is minimal, and it can usually be obtained within a few days once the entity provides the necessary information to the LOU.[16]

Failure to adhere to the LEI requirement could result in a fine in accordance with the Rules.[17]

Rule Changes

In order to add the requirement that participants obtain and provide an LEI, FICC is proposing to make the following changes.

GSD Rules

(i) Defined Term

FICC would amend GSD Rule 1 to change the defined term ''Legal Entity Identifier'' to ''LEI'' to conform the proposed defined term being added to the MBSD Rules. FICC is not proposing to substantively change the current defined term. FICC would replace the term Legal Entity Identifier with LEI in each place that it is used in the GSD Rules.

(ii) Funds-Only Settling Bank Members

FICC would amend Section 4(d) of GSD Rule 13 to require that each Funds-Only Settling Bank Member always has a current LEI on file with FICC. FICC is proposing to add a footnote in that section that states such members shall have 60 calendar days from the date they are notified by Important Notice to submit their LEIs. The footnote would provide that it would sunset at the end of the 60-calendar day period.

[15] Only entities that are accredited by GLEIF may issue LEIs. A list of accredited LOUs can be found on the GLEIF website: *www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[16] Based on a review by DTCC, the average cost for registering a new LEI is approximately $71, the average cost for maintenance is approximately $62, and the application processing time is typically 24–48 business hours.

[17] *See* GSD Rule 48 and MBSD Rule 38, *supra* note 5 (provide that FICC may discipline any Member or Limited Member for violations of the Rules, including but not limited to a fine).

MBSD Rules

(i) Defined Term

FICC would add a new defined term, LEI, to MBSD Rule 1. FICC would use the terminology of the GLEIF for the definition.[18]

(ii) MBSD Applicants

FICC would amend Section 3 of MBSD Rule 2A to require each FICC applicant who becomes a Clearing Member to obtain and provide an LEI to FICC as part of its membership application.

(iii) Clearing Members

FICC would amend Section 2 of MBSD Rule 3 to require that each Member always have a current LEI on file with FICC. FICC is proposing to add a footnote in that section which states such members shall have 60 calendar days from the date they are notified by Important Notice to submit their LEIs. The footnote would provide that it would sunset at the end of the 60-calendar day period.

(iv) Cash Settling Bank Members

FICC would amend Section (b)(iv) of MBSD Rule 3A to require that each applicant to become a Cash Settling Bank Member shall obtain and provide to FICC an LEI. FICC would amend Section (d) of Rule 3A to require that each Cash Settling Bank Member always have a current LEI on file with FICC. FICC is proposing to add a footnote in that section which states such Cash Settling Bank Members shall have 60 calendar days from the date they are notified by Important Notice to submit LEIs for each of their Sponsored Members. The footnote would provide that it would sunset at the end of the 60-calendar day period.

Implementation Timeframe

DTCC is determining a framework relating to the adoption of the selected LEI option across all DTCC subsidiaries and product lines, including an approach to managing the implementation of the LEI requirement for both existing and new clients of FICC. FICC would provide notice to existing GSD Funds-Only Settling Bank Members, MBSD Clearing Members, and MBSD Cash Settling Bank Members, including by Important Notice, advising them of the LEI requirements for FICC and notifying them of the dates by which they are expected to have obtained and provided an LEI to FICC. FICC would give such members that do not currently have an LEI, 60-calendar

[18] *See supra* note 6.

days from the date of the notice to obtain and provide an LEI to FICC. FICC considers 60-calendar days to be sufficient for obtaining an LEI, as it can typically be acquired within a few days once the entity provides the necessary entity information to the LOU.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, that the Rules be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[19]

FICC believes that the proposed changes to add an LEI requirement are consistent with this provision because the proposed revisions would improve the quality of data that is collected from FICC's participants as well as the process for collecting that data including (i) simplifying and expediting certain operational processes, including due diligence and KYC, by utilizing an efficient and accurate method to verify identity of FICC participants, (ii) enhancing counterparty risk assessment and management of participants by improving information about counterparty relationships and hierarchies within and between participants, (iii) creating efficiencies relating to onboarding and lifecycle management for FICC and DTCC's other subsidiaries that share participants, (iv) obtaining reliable data from the standardized global LEI system, a dependable source of verified data, and (v) reducing overlap and duplication of data within databases and helping to streamline data reconciliations and reduce data errors. FICC believes that creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from FICC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by FICC. As such, FICC believes the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.[20]

(B) Clearing Agency's Statement on Burden on Competition

FICC believes that the proposed changes to add an LEI requirement could impose a burden on competition because these changes would impose a cost on firms that currently do not have an LEI to obtain and maintain them. FICC does not believe that any burden on competition imposed by the proposed rule change would be significant because the cost to obtain and maintain an LEI is relatively small,[21] and FICC understands that many of its members already maintain LEIs for other purposes. Regardless of whether the potential burden on competition is deemed significant, FICC believes the proposed rule change is both necessary and appropriate in furtherance of the purposes of the Act. Specifically, FICC believes that any burden on competition that is created by the proposed changes would be necessary in furtherance of the purposes of the Act[22] because creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from FICC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by FICC. FICC also believes that any burden that is created by the proposed rule change would be appropriate in furtherance of the purposes of the Act[23] because the proposed changes would be limited to requiring an LEI that is easily obtained through the established global LEI system at a relatively minor cost.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

FICC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting 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 a Comment*, *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.

FICC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 (*www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–FICC–2025–012 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–FICC–2025–012. 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

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] *Id.*

[21] As noted above, based on a review by DTCC, the average cost for registering a new LEI is approximately $71 and the average cost for maintenance is approximately $62.

[22] 15 U.S.C. 78q–1(b)(3)(I).

[23] *Id.*

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 FICC 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–FICC–2025–012 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07990 Filed 5–7–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102982; File No. SR–DTC–2025–009]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Rules Relating to the Legal Entity Identifier Requirement

May 2, 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 25, 2025, The Depository Trust Company (''DTC'') 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. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4) thereunder.[4] 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 proposed rule change consists of amendments to the Rules in order to require (i) each applicant applying to become a Participant, Pledgee, DRS Agent or FAST Agent to obtain and provide a Legal Entity Identifier (''LEI'') to DTC as part of its membership application, (ii) each Participant, Pledgee, DRS Agent and FAST Agent to have a current LEI on file with DTC at all times, and (iii) CDS Clearing and Depository Services Inc. (''CDS'') to provide DTC with an LEI for each current participant of CDS (''CDS Participant'') for which CDS maintains a subaccount at DTC and for each newly added CDS Participant going forward.[5] [6]

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

The purpose of the proposed rule change is to amend the Rules in order to require (i) each applicant applying to become a Participant, Pledgee, DRS Agent or FAST Agent to obtain and provide an LEI to DTC as part of its membership application, (ii) each Participant, Pledgee, DRS Agent and FAST Agent to have a current LEI on file with DTC at all times, and (iii) CDS to provide DTC with an LEI for each current CDS Participant for which CDS maintains a subaccount at DTC and for each newly added CDS Participant going forward.[7]

Background

LEI Background

An LEI is a 20-character reference code to uniquely identify legally distinct entities that engage in financial transactions.[8] The LEI system was developed by the Financial Stability Board[9] together with finance ministers and central bank governors represented in the Group of 20 in the wake of the 2008 financial crisis.[10] The Financial Stability Board established GLEIF in June 2014 to support the implementation and use of LEIs.[11] The Regulatory Oversight Committee (''ROC''), a group of public authorities from around the globe, oversees GLEIF and the global LEI system.[12]

LEIs are issued by entities called Local Operating Units (''LOUs'') that are accredited by GLEIF to issue LEIs within certain jurisdictions.[13] LOUs validate information about an entity and issue a unique LEI for that entity. An LEI provides information about legal entities, including the official legal name, registered address, country of incorporation, registration authority and the entities' ownership structure, including parent and child organizations.

Adding the LEI Requirement for DTC

DTC's parent entity, The Depository Trust & Clearing Corporation (''DTCC''),[14] provides technology resources and support services to DTC and DTCC's other subsidiaries, including providing support for onboarding, lifecycle management and risk management of the subsidiaries' applicants and participants. Certain of DTCC's subsidiaries currently require

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] CDS, the Canadian central securities depository and central counterparty, is a Participant of DTC. The relationship between DTC and CDS enables CDS Participants to settle trades with DTC Participants through sub-accounts at DTC maintained by CDS on behalf of CDS Participants. DTC provides the Canadian-Link Service for the settlement of securities among DTC Participants and CDS Participants. *See* Rule 30, *infra* note 6.

[6] Terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (the ''Rules''), *available at www.dtcc.com/legal/rules-and-procedures.*

[7] *Supra* note 5.

[8] *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.* The LEI is based on the ISO 17442 standard developed by the International Organization for Standardization and satisfies the standards implemented by the Global Legal Entity Identifier Foundation (''GLEIF''). *See www.gleif.org/en/about-lei/introducing-the-legal-entity-identifier-lei.*

[9] The Financial Stability Board is an international body that monitors and makes recommendations about the global financial system. *See www.fsb.org.*

[10] *See www.gleif.org/en/about/history.*

[11] *See supra* note 8. *See* also *www.gleif.org/en/about/this-is-gleif.*

[12] The ROC is a group of public authorities from around the globe established in January 2013 to coordinate and oversee the global LEI system. *See www.gleif.org/en/about/governance/regulatory-oversight-committee-roc.*

[13] *See www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[14] DTCC is a non-public holding company that owns three registered clearing agencies and related businesses. In addition to DTC, DTCC also owns the following registered clearing agencies: National Securities Clearing Corporation and the Fixed Income Clearing Corporation (''FICC''). FICC has two divisions: the Government Securities Division and the Mortgage-Backed Securities Division.

that its applicants and participants obtain and provide an LEI. However, this requirement is not consistent across DTCC's other subsidiaries, including DTC.

DTC is proposing to add a requirement that its applicants and participants obtain and provide an LEI to DTC similar to the requirement currently in place for its affiliate, FICC, which requires LEIs for members of its Government Securities Division.[15] DTC believes that requiring that its applicants and participants obtain and provide an LEI to DTC would improve the quality of data that is collected from its participants as well as the process for collecting that data, including providing the following benefits:

- Simplify Operational Processes—LEIs would help simplify and expedite due diligence and know your customer (''KYC'') verification of participants enabling DTC to do business with participants faster and safer.
- Enhance Risk Management—LEIs provide information about counterparty relationships and hierarchies within and between financial entities, improving counterparty risk assessment and management.
- Leverage Existing Capabilities—The use of LEIs would allow DTC to leverage existing DTCC technology and data to create automatic upfront validations to support participant onboarding and lifecycle management for DTC and DTCC's other subsidiaries.
- Reliable Data Source—The LEI system is supported by a trusted method of verifying the identity of the legal entity in question and would provide a reliable data source. This is supported by the LOUs maintenance of all respective reference and identification data and the overall global LEI system which is coordinated and overseen by ROC.
- Reduction in Record Duplication—The use of LEIs would reduce overlap and duplication of data within databases, helps streamline data reconciliations and reduce data errors by decreasing the requirements for manual comparison of different databases.

Implementing an LEI requirement is also intended to improve DTCC's ability to manage data across its subsidiaries, including DTC. Many participants are shared among DTC and its affiliates. Currently, there is no consistent requirement for submission of an industry identifier by DTC and DTCC's other subsidiaries. This has impacted DTCC's ability to profile its subsidiaries' participants quickly and efficiently across all the subsidiaries' products and services. DTCC's other subsidiaries are also implementing an LEI requirement consistent with the LEI requirements being proposed for DTC.

Member Impact

Based on an analysis by DTC, approximately 89% of Participants, 71% of Pledgees, 46% of DRS Agents, and 100% of CDS Participants currently have an LEI. Adding the LEI requirement would require the DTC participants that have not obtained an LEI to select an LOU,[16] apply for an LEI, and once obtained provide the LEI to DTC. In addition, CDS would be required to obtain LEIs from CDS Participants. The DTC participants and CDS Participants would also need to renew the LEI periodically. The expense of obtaining and renewing an LEI is minimal, and it can usually be obtained within a few days once the entity provides the necessary information to the LOU.[17]

Failure to adhere to the LEI requirement could result in a fine in accordance with the Rules.[18]

Rule Changes

LEI Requirement

In order to add the requirement that participants obtain and provide an LEI, DTC is proposing to make the following changes.

(i) Defined Term

DTC would add a new defined term, LEI, to Rule 1. DTC would use the terminology of the GLEIF for the definition.[19]

(ii) Applicants, Participants and Pledgees

DTC would add a new Section 12 to Rule 2 to require (i) each DTC applicant to obtain and provide an LEI to DTC as part of its membership application and (ii) each Participant, Pledgee, DRS Agent and FAST Agent to always have a current LEI on file with DTC. DTC is proposing to add a footnote in that section which states such Participants, Pledgees, DRS Agents and FAST Agents shall have 60 calendar days from the date they are notified by Important Notice to submit their LEIs. The footnote would provide that it would sunset at the end of the 60-calendar day period.

(iii) CDS Participants

DTC would add a new Section 11 to Rule 30 to require that CDS provide DTC with an LEI for each CDS Participant for which CDS opens and maintains a subaccount at the Corporation such that the Corporation shall have a current LEI for each such CDS Participant at all times. DTC is proposing to add a footnote in that section which states that CDS shall have 60 calendar days from the date that CDS is notified by Important Notice to submit LEIs for each of the CDS Participants. The footnote would provide that it would sunset at the end of the 60-calendar day period.

Implementation Timeframe

DTCC is determining a framework relating to the adoption of the selected LEI option across all DTCC subsidiaries and product lines, including an approach to managing the implementation of the LEI requirement for both existing and new clients of DTC. DTC would provide notice to existing Participants, Pledgees, DRS Agents, FAST Agents and CDS, including by Important Notice, advising them of the LEI requirements for DTC and notifying them of the dates by which they are expected to have obtained and provided an LEI to DTC. DTC would give Participants, Pledgees, DRS Agents, FAST Agents and CDS that do not currently have the requisite LEIs, 60-calendar days from the date of the notice to obtain and provide the requisite LEIs to DTC. DTC considers 60-calendar days to be sufficient for obtaining an LEI, as it can typically be acquired within a few days once the entity provides the necessary entity information to the LOU.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, that the Rules be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[20]

DTC believes that the proposed changes to add an LEI requirement are

[15] FICC implemented LEI requirements for its Government Securities Division in compliance with a rule adopted by the Office of Financial Research of the U.S. Department of Treasury establishing a data collection requirement covering centrally cleared transactions in the U.S. repurchase market. *See* Securities Exchange Act Release No. 88557 (Apr. 3, 2020), 85 FR 19979 (Apr. 9, 2020) (SR–FICC–2020–002).

[16] Only entities that are accredited by GLEIF may issue LEIs. A list of accredited LOUs can be found on the GLEIF website: *www.gleif.org/en/about-lei/get-an-lei-find-lei-issuing-organizations.*

[17] Based on a review by DTCC, the average cost for registering a new LEI is approximately $71, the average cost for maintenance is approximately $62, and the application processing time is typically 24–48 business hours.

[18] *See* Rule 21, *supra* note 6 (provides that DTC may discipline any Participant or Pledgee for violations of the Rules, including but not limited to a fine).

[19] *See supra* note 8.

[20] 15 U.S.C. 78q–1(b)(3)(F).

consistent with this provision because the proposed revisions would improve the quality of data that is collected from DTC's participants as well as the process for collecting that data including (i) simplifying and expediting certain operational processes, including due diligence and KYC, by utilizing an efficient and accurate method to verify identity of DTC participants, (ii) enhancing counterparty risk assessment and management of DTC participants by improving information about counterparty relationships and hierarchies within and between DTC participants, (iii) creating efficiencies relating to onboarding and lifecycle management for DTC and DTCC's other subsidiaries that share participants, (iv) obtaining reliable data from the standardized global LEI system, a dependable source of verified data, and (v) reducing overlap and duplication of data within databases and helping to streamline data reconciliations and reduce data errors. DTC believes that creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from DTC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by DTC. As such, DTC believes the proposed rule changes are consistent with Section 17A(b)(3)(F) of the Act.[21]

(B) Clearing Agency's Statement on Burden on Competition

DTC believes that the proposed changes to add an LEI requirement could impose a burden on competition because these changes would impose a cost on firms that currently do not have an LEI to obtain and maintain them. DTC does not believe that any burden on competition imposed by the proposed rule change would be significant because the cost to obtain and maintain an LEI is relatively small,[22] and DTC understands that many of its participants already maintain LEIs for other purposes. Regardless of whether the potential burden on competition is deemed significant, DTC believes the proposed rule change is both necessary and appropriate in furtherance of the purposes of the Act. Specifically, DTC believes that any burden on competition that is created by the proposed changes would be necessary in furtherance of the purposes of the Act[23] because creating efficiencies in operational processes, onboarding and lifecycle management and improving risk management by improving the quality of verified data that is collected from DTC's participants as well as the process for collecting that data would promote the prompt and accurate clearance and settlement of securities transactions by DTC. DTC also believes that any burden that is created by the proposed rule change would be appropriate in furtherance of the purposes of the Act[24] because the proposed changes would be limited to requiring an LEI that is easily obtained through the established global LEI system at a relatively minor cost.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting 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 a Comment, 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.

DTC reserves the right not to respond to any comments received.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 (*www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–DTC–2025–009 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–DTC–2025–009. 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 DTC 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

[21] *Id.*

[22] As noted above, based on a review by DTCC, the average cost for registering a new LEI is approximately $71 and the average cost for maintenance is approximately $62.

[23] 15 U.S.C. 78q–1(b)(3)(I).

[24] *Id.*

to file number SR–DTC–2025–009 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07989 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102978; File No. SR–Phlx–2025–21]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Discontinue the Options Regulatory Fee Model Scheduled To Be Implemented in June 2025

May 2, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 28, 2025, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''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 discontinue the ORF model scheduled to be implemented in June 2025.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to discontinue the ORF model scheduled to be implemented in June 2025.[4]

Phlx previously filed a proposed amendment to its ORF, effective as of January 1, 2025,[5] to amend its methodology of collection to: (1) specify that it is including options transactions in Phlx proprietary products; and (2) assess ORF in all clearing ranges except market makers who clear as ''M'' at The Options Clearing Corporation (''OCC''). Additionally, Phlx proposed to assess a different rate for trades executed on Phlx (''Local ORF Rate'') and trades executed on non-Phlx exchanges (''Away ORF Rate'').[6] The Exchange also filed to delay the implementation of SR–Phlx–2024–66, with respect to the new ORF and methodology therein which was effective on January 1, 2025, so that it would be implemented on June 1, 2025.[7]

At this time, the Exchange proposes to discontinue its June 2025 ORF. The Exchange received feedback from members and member organizations [8] and SIFMA [9] related to the implementation of its June 2025 ORF. In particular, two fields necessary for information sharing of executing exchange information among members and member organizations and Clearing Members will not be available after an upcoming technology migration at OCC.[10] In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange is exploring proposing a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

To create real ORF reform, moving to a new ORF model that only assesses a fee to transactions that occur on the Exchange would remove any duplicative ORF billing. The Exchange believes that each exchange should likewise adopt a similar model to ensure consistent industry billing of ORF to the benefit of market participants. A consistent methodology of assessing and collecting ORF will also remove confusion and complexity in the billing of ORF. The Exchange has been engaged in remodeling its current ORF over the last year and has held many conversations with market participants to establish a framework that is practical and fair. The Exchange remains committed to ORF reform and will continue to evaluate its ORF model and seek feedback from market participants.

The Exchange also proposes to remove a sentence that states, ''As of November 1, 2024, the ORF is $0.0022 per contract side.'' This sentence is outdated.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101892 [sic] (December 12, 2024), 89 FR 103003 (December 18, 2024) (SR–Phlx–2024–66) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Lower the Options Regulatory Fee (ORF) and Adopt a New Approach to ORF in 2025). *See also* Securities Exchange Act Release No. 102368 (February 6, 2025), 90 FR 9451 (February 12, 2025) (SR–Phlx–2025–06) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–Phlx–2024–66) (collectively ''June 2025 ORF'').

[4] *See* June 2025 ORF.

[5] *See* June 2025 ORF.

[6] *See* June 2025 ORF.

[7] *See* Securities Exchange Act Release No. 102368 (February 6, 2025), 90 FR 9451 (February 12, 2025) (SR–Phlx–2025–06) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–Phlx–2024–66).

[8] The Exchange has discussed the implementation of its June 2025 ORF with various Clearing Members.

[9] *See* SIFMA comment letter at *https://www.sec.gov/comments/sr-nasdaq-2024-078/srnasdaq2024078-550079-1574622.pdf.*

[10] *See https://www.theocc.com/company-information/occ-transformation.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to discontinue its June 2025 ORF is reasonable because it has come to light that certain information necessary for billing of ORF would not be available later in 2025. In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange anticipates moving to a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

The Exchange's proposal to discontinue its June 2025 ORF is equitable and not unfairly discriminatory as the proposal would not apply to any member or member organization.

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.

This proposal does not create an unnecessary or inappropriate intra-market burden on competition because no member or member organization would be subject to the June 2025 ORF as a result of this proposal.

Additionally, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of ORF Regulatory Revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2025–21 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2025–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2025–21 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07986 Filed 5–7–25; 8:45 am]

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[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102979; File No. SR–NYSE–2024–47]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Section 102.01 of the NYSE Listed Company Manual To Provide That the Stockholder Requirements Set Forth Therein Will Be Calculated on a Worldwide Basis When Listing a Company From Outside North America That Is Listing in Connection With Its Initial Public Offering and Is Not Listed on Any Other Regulated Stock Exchange

May 2, 2025.

I. Introduction

On August 22, 2024, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 102.01 of the NYSE Listed Company

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Manual (''Manual'') to provide that the distribution standard therein would be calculated on a worldwide basis. The proposed rule change was published for comment in the **Federal Register** on September 10, 2024.[3] On October 22, 2024, pursuant to Section 19(b)(2) of the Exchange 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 18, 2024, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change as originally filed and superseded such filing in its entirety. On December 9, 2024, the Commission published notice of the proposed rule change, as modified by Amendment No. 1, and issued an order instituting proceedings under Section 19(b)(2) of the Exchange Act[6] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[7] On March 5, 2025, the Commission issued a notice of designation of a longer period of time for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[8] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

Section 102.01A of the Manual (''Section 102.01A'') sets forth the Exchange's minimum initial listing requirements with respect to distribution criteria for companies seeking to list under the Exchange's domestic company initial listing standards.[9] Specifically, Section 102.01A sets forth distribution criteria for the initial listing of domestic companies based on number of stockholders, number of publicly held shares, and/or average monthly trading volume, as applicable.[10] Section 102.01B of the Manual (''Section 102.01B''), under the heading ''Calculations under the Distribution Criteria,'' describes how the Exchange determines the number of stockholders and trading volume of a domestic company when applying the initial listing criteria. Section 102.01B currently provides that, when considering a listing application from a company organized under the laws of Canada, Mexico, or the United States (''North America''), the Exchange will include all North American holders and North American trading volume in applying the minimum stockholder and trading volume requirements of Section 102.01A.[11] Section 102.01B further provides that when listing a company from outside North America, the Exchange may, in its discretion, include holders and trading volume in the company's home country or primary trading market outside the United States in applying the applicable listing standards, provided that such market is a regulated stock exchange.[12] Section 102.01B provides that in exercising this discretion, the Exchange will consider all relevant factors including: (i) whether the information is derived from a reliable source, preferably either a government-regulated securities market or a transfer agent that is subject to governmental regulation; (ii) whether there exist efficient mechanisms for the transfer of securities between the company's non-U.S. trading market and the United States; and (iii) the number of stockholders and the extent of trading in the company's securities in the United States prior to the listing.[13]

The Exchange proposes to amend Section 102.01B under the heading ''Calculations under the Distribution Criteria'' to provide that, when listing a company from outside North America when such company is listing in connection with its initial public offering (''IPO'') and is not listed on any other regulated stock exchange, the Exchange will include all holders on a global basis in applying the minimum stockholder requirements of Section 102.01A.[14] In addition, the Exchange proposes to amend Section 102.01B under the heading ''Calculations under the Distribution Criteria'' to clarify that the current rule text, which provides the Exchange discretion when listing a company from outside North America to include stockholders and trading volume from the company's home country or primary trading market outside North America in applying the applicable requirements of Section 102.01A,[15] is applicable only when the company is listed on another regulated stock exchange.[16]

The Exchange states that the current rule, which does not allow the Exchange to include stockholders outside of North America in determining compliance with the stockholder distribution requirements of Section 102.01A when the company is from outside North America and is not listed on a regulated stock exchange, does not reflect the speed and reliability of links that enable investors who hold securities in brokerage accounts in countries outside North America to trade in the U.S. listing markets.[17] The Exchange also states that given the ease of transfer of securities between different countries in the contemporary securities markets, there is no reason why the holders of a listed company's securities outside of North America cannot be active real time participants in the U.S. trading market.[18] The Exchange further states that this is particularly relevant to the listing of a foreign company listed on the Exchange when it does not have an exchange listing in its home market because the Exchange will be the only exchange trading market for such company and any investor wishing to trade in such company's securities on a regulated exchange market will have to do so on the Exchange.[19]

In addition, Section 102.01B under the heading ''Calculations under the

[3] *See* Securities Exchange Act Release No. 100918 (Sept. 4, 2024), 89 FR 73463.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 101402, 89 FR 85574 (Oct. 18, 2024). The Commission designated December 9, 2024, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2).

[7] *See* Securities Exchange Act Release No. 101844, 89 FR 101064 (Dec. 13, 2024) (''Notice and OIP'').

[8] *See* Securities Exchange Act Release No. 102530, 90 FR 11760 (Mar. 11, 2025). The Commission designated May 8, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 1.

[9] *See* Section 102.01A.

[10] A company seeking to list under the Exchange's domestic company equity listing standards would be required to meet additional minimum initial listing requirements, including minimum aggregate market value of publicly-held shares, minimum closing price (or offering price) per share, and minimum financial standards as set forth in Section 102.01 of the Manual.

[11] *See* Section 102.01B. *See also* Notice and OIP at 101065.

[12] *See* Section 102.01B. *See also* Notice and OIP at 101065.

[13] *See* Section 102.01B. *See also* Notice and OIP at 101065.

[14] *See* Notice and OIP at 101065. The Exchange states that the trading volume requirements contained in Section 102.01A are not relevant to the listing of a company from outside North America when such company is listing in connection with its IPO and is not listed on any other regulated stock exchange because the trading volume requirements are only applicable in the case of a quotation listing or transfer or upon exchange of a common equity security for a listed Equity Investment Tracking Stock and are not applicable in the case of an IPO. *See id.*

[15] *See supra* notes 12–13 and accompanying text.

[16] *See* Notice and OIP at 101065.

[17] *See id.*

[18] *See id.*

[19] *See id.*

Distribution Criteria'' currently includes a statement that, for securities that trade in the format of American Depositary Receipts (''ADRs''), volume in the ordinary shares will be adjusted to be on an ADR-equivalent basis.[20] The Exchange states that it has long been its practice to adopt this same approach to include holders of ordinary shares on an ADR-equivalent basis in calculating the compliance of companies with the stockholder requirements of Section 102.01A and that the Exchange will continue to include holders of ordinary shares on an ADR-equivalent basis when applying the proposed amendment to Section 102.01B concerning a company listing from outside North America in connection with an IPO of ADRs where the ordinary shares are not listed on any other regulated stock exchange.[21]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[22] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Exchange Act,[23] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and Section 6(b)(8) of the Exchange Act,[24] which requires that the rules of a national securities exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The development and enforcement of meaningful listing standards [25] for an exchange is of critical importance to financial markets and the investing public. Among other things, such listing standards help ensure that exchange-listed companies will have sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets.[26] Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[27]

The Exchange's proposal would allow the Exchange to include all holders on a global basis in applying the minimum initial stockholder requirements set forth in Section 102.01A in instances where the company being considered for listing under the domestic company equity listing standards is from outside North America, is listing in connection with its IPO, and is not listed on another regulated stock exchange.[28] When considering a listing application from a company from outside North America, the current rule provides the Exchange with discretion, under certain circumstances, to include holders and trading volume in a company's home country or primary trading market outside the United States when applying the distribution requirements in Section 102.01A when that market is a regulated stock exchange. However, the current rule does not allow the Exchange to include stockholders outside of North America in determining compliance with the stockholder distribution requirements of Section 102.01A when the company is not listed on a regulated stock exchange outside North America, which, according to the Exchange, makes it more difficult for such a company to meet the distribution requirements.[29]

The Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Exchange Act,[30] including, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, 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 proposed rule change will provide the Exchange with the ability to consider all holders on a global basis when determining whether a company from outside North America that is listing in connection with its IPO and that is not listed on another

[20] *See* Section 102.01B. *See also* Notice and OIP at 101066. The Exchange states that a large majority of the companies from outside North America that list on the Exchange do so in the form of ADRs. *See* Notice and OIP at 101066. The Exchange also states that the speed and ease with which shares can be deposited into an ADR facility to create new ADRs (and withdrawn from such facility) makes an issuer's ordinary shares ''essentially fungible'' with its ADRs for trading purposes. *See id.*

[21] *See* Notice and OIP at 101066.

[22] 15 U.S.C. 78f(b). In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78f(b)(8).

[25] The Commission notes that this reference to ''listing standards'' is referring to both initial and continued listing standards.

[26] Adequate listing standards, by promoting fair and orderly markets, are consistent with Section 6(b)(5) of the Exchange Act, in that they are, among other things, designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest. *See, e.g.,* Securities Exchange Act Release No. 100816 (Aug. 26, 2024), 89 FR 70674, 70677 n.47 (Aug. 30, 2024) (SR–NASDAQ–2024–019).

[27] *See, e.g.,* Securities Exchange Act Release Nos. 101271 (Oct. 7, 2024), 89 FR 82652, 82653 n.23 and accompanying text (Oct. 11, 2024) (SR–NASDAQ–2024–029) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Modify the Application of Bid Price Compliance Periods); 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR–NASDAQ–2020–001) (Order Approving a Proposed Rule Change To Modify the Delisting Process for Securities With a Bid Price at or Below $0.10 and for Securities That Have Had One or More Reverse Stock Splits With a Cumulative Ratio of 250 Shares or More to One Over the Prior Two-Year Period); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR–NASDAQ–2019–089) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 5815 To Preclude Stay During Hearing Panel Review of Staff Delisting Determinations in Certain Circumstances). *See also* Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR–NYSE–2017–31) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Listed Company Manual To Adopt Initial and Continued Listing Standards for Subscription Receipts) (stating that ''[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market'' and that ''[o]nce a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained'').

[28] Section 102.01 (Minimum Numerical Standards—Domestic Companies—Equity Listings) of the Manual sets forth the minimum quantitative standards for the listing of common equity securities of domestic companies. In addition, the Exchange lists applicants that are foreign private issuers under Section 102.01 of the Manual where such applicants are qualified to list thereunder. *See* Section 101.01 of the Manual. *See also* Section 103.00 of the Manual (Foreign Private Issuers) (defining ''foreign private issuer'' and ''non-U.S. company''). However, if a foreign private issuer applicant does not meet all of the requirements for the listing of common equity securities applicable to domestic issuers under Section 102.01 of the Manual, the Exchange will consider whether the applicant qualifies for listing under the quantitative listing standards for the listing of common equity securities of non-U.S. companies set forth in Section 103.01 of the Manual (Minimum Numerical Standards Non-U.S. Companies Equity Listings). *See* Section 101.01 of the Manual. The Exchange is not proposing any changes to the standards for listing equity of non-U.S. companies set forth in Section 103.01 of the Manual.

[29] *See* Notice and OIP at 101066.

[30] 15 U.S.C. 78f(b)(5).

regulated stock exchange satisfies the initial listing distribution requirements, without compromising the effectiveness of the Exchange's initial listing standards. Because such companies do not have a regulated exchange listing in their home market and the NYSE will be the only regulated listing exchange for such companies, any investor wishing to trade in such companies' securities on a regulated exchange will have to do so in the U.S. market.[31] As a result, all holders, including foreign holders, of such companies will be sources of liquidity in the U.S. trading market and it is reasonable for the Exchange to consider such holders when determining whether to list such companies. In addition, as the Exchange states, contemporary securities markets are global and interconnected, and investors who hold securities in brokerage accounts outside North America are generally able to trade such securities in the U.S. markets.[32] The Exchange's proposal reasonably reflects the role played by stockholders located outside North America in the development of a liquid trading market in the United States for the securities of non-U.S. companies listing in connection with an IPO that are not listed on any regulated stock exchange other than the NYSE.

The Exchange's proposal to include holders of ordinary shares on an ADR-equivalent basis in determining whether non-U.S. companies listing ADRs in connection with an IPO, where the companies' ordinary shares are not listed on any regulated stock exchange other than the NYSE, comply with the initial listing stockholder criteria of Section 102.01A is consistent with its current practice and consistent with the requirements of Section 6(b)(5) of the Exchange Act.[33] In the case of a non-U.S. company listing in connection with an IPO of its ADRs where the ordinary shares are not listed on any regulated stock exchange, there is no home market to serve as a concentrated market for the trading of ordinary shares. The ordinary shares of a non-U.S. company can be deposited into an ADR program at a depositary to create new ADRs and those ADRs can be surrendered to the depositary that maintains the ADR program in exchange for the non-U.S. company's ordinary shares.[34] As a result, holders of the ordinary shares who deposit their shares into the ADR program will be expected to contribute to the liquidity of the ADRs in the U.S. market and the Exchange's practice with respect to ADRs is reasonably designed to ensure adequate liquidity and distribution and sufficient investor interest to support the listing of ADRs in the United States. Further, adjusting the number of holders of ordinary shares on an ADR-equivalent basis will more accurately reflect the holders of the instrument trading on the Exchange because each ordinary share of the non-U.S. company deposited into the ADR program may be equivalent to a fraction of the ADR.

The Commission finds that proposed rule change is also consistent with the requirement of Section 6(b)(5) of the Exchange Act [35] that the rules of a national securities exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. It is reasonable for the Exchange to limit its proposal to companies from outside North America listing in connection with an IPO that are not listed on any regulated stock exchange other than the NYSE because the absence of any alternative regulated exchange market for investors in those companies will help to ensure that trading liquidity in their securities is concentrated in the U.S. market.[36] In addition, as highlighted by the Exchange, the current rule already provides a means for companies from outside North America that are listed on another regulated stock exchange to include stockholders outside North America when meeting the stockholder distribution requirements.[37]

The Exchange is responding to competitive pressures in the market for listings in making this proposal. As the Exchange states, the rules of the Nasdaq Stock Market LLC (''Nasdaq'') do not contain any geographic limitation on its total stockholder initial listing criteria when listing a company from outside North America.[38] The Exchange states that the proposal would remove a significant competitive disadvantage faced by the Exchange in competing with Nasdaq for the listing of companies from outside North America that are listing in connection with an IPO and are not listed on any other regulated stock exchange.[39] Therefore the Exchange's proposal should allow it to better compete with Nasdaq for such listings. Accordingly, the Commission finds that the Exchange's proposal reflects the current competitive environment for exchange listings among national securities exchanges and is appropriate and consistent with Section 6(b)(8) of the Exchange Act,[40] which requires that the rules of a national securities exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Exchange's proposal would also amend Section 102.01B to clarify that the current rule text, which provides the Exchange discretion when listing a company from outside North America to include stockholders and trading volume from the company's home country or primary trading market outside North America in applying the applicable requirements of Section 102.01A,[41] is applicable only when the applicant issuer is listed on another regulated stock exchange. This clarification is consistent with the Exchange's current rule text and will help ensure that the Exchange's rules are sufficiently clear to market participants.

For these reasons, the proposal is reasonably designed to help ensure that the Exchange lists only those companies with sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets. Therefore, the Commission finds that the Exchange's proposal, as modified by Amendment No. 1, is consistent with Sections 6(b)(5) and 6(b)(8) of the Exchange Act.[42]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[43] that the proposed rule change (SR–NYSE–2024–47), as modified by Amendment No. 1, be, and it hereby is, approved.

[31] While NYSE will be the primary listing exchange for the listed securities, other national securities exchanges in the U.S. market will be able to provide for the trading of these securities based on unlisted trading privileges.

[32] *See* Notice and OIP at 101066. The Commission has highlighted the multinational nature of securities markets, as well as the ease of transfer of securities between different countries. *See* Rule 15a–6 Adopting Release, Securities Exchange Act Release No. 27017 (Jul. 11, 1989), 54 FR 30013 (Jul. 18, 1989) (Registration Requirements for Foreign Broker-Dealers).

[33] 15 U.S.C. 78f(b)(5).

[34] *See, e.g.,* SEC Investor Bulletin: American Depositary Receipts, available at *https://www.sec.gov/investor/alerts/adr-bulletin.pdf.*

[35] 15 U.S.C. 78f(b)(5).

[36] *See* Notice and OIP at 101066.

[37] *See supra* notes 12–13 and accompanying text. *See also* Notice and OIP at 101067.

[38] *See* Notice and OIP at 101066 (citing Nasdaq Rule 5315(f)).

[39] *See id.* at 101066.

[40] 15 U.S.C. 78f(b)(8).

[41] *See supra* notes 12–13 and accompanying text.

[42] 15 U.S.C. 78f(b)(5), (8).

[43] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[44]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07987 Filed 5–7–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102972; File No. 4–854]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of Proposed Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and 24X National Exchange LLC

May 2, 2025.

Pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on April 24, 2025, the Financial Industry Regulatory Authority, Inc. (''FINRA'') and 24X National Exchange LLC (''24X'') (together with FINRA, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a plan for the allocation of regulatory responsibilities, dated April 17, 2025 (''17d–2 Plan'' or the ''Plan''). The Commission is publishing this notice to solicit comments on the 17d–2 Plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[5] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[6] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[7] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[8] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[9] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. Proposed Plan

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both 24X and FINRA.[10] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''24X Certification of Common Rules,'' referred to herein as the ''Certification'') that lists every 24X rule, and select federal securities laws, rules, and regulations, for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to 24X members that are also members of FINRA and the associated persons therewith (''Dual Members'').

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of 24X that are substantially similar to the applicable rules of FINRA,[11] as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification (''Common Rules''). In the event that a Dual Member is the subject of an investigation relating to a transaction on 24X, the plan acknowledges that 24X may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[12]

Under the Plan, 24X would retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving 24X's own marketplace, including, without limitation, registration pursuant to its

[44] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[5] 15 U.S.C. 78q(d)(1).

[6] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[7] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[8] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[9] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[10] The proposed 17d–2 Plan refers to these common members as ''Dual Members.'' *See* Paragraph 1(c) of the proposed 17d–2 Plan.

[11] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either 24X rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules.

[12] *See* paragraph 5 of the proposed 17d–2 Plan.

applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any 24X rules that are not Common Rules.[13]

The text of the proposed 17d–2 Plan is as follows:

Agreement Between Financial Industry Regulatory Authority, Inc. and 24X National Exchange LLC Pursuant to Rule 17d–2 Under the Securities Exchange Act of 1934

This Agreement, by and between the Financial Industry Regulatory Authority, Inc. (''FINRA'') and 24X National Exchange LLC (''24X''), is made this 17th day of April, 2025 (the ''Agreement''), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (the ''Exchange Act'') and Rule 17d–2 thereunder, which permits agreements between self-regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. FINRA and 24X may be referred to individually as a ''party'' and together as the ''parties.''

Whereas, the parties desire to reduce duplication in the examination, surveillance and investigation of their Dual Members (as defined herein) and in the filing and processing of certain registration and membership records; and

Whereas, the parties desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the U.S. Securities and Exchange Commission (the ''SEC'' or ''Commission'') for its approval.

Now, therefore, in consideration of the mutual covenants contained hereinafter, the parties hereby agree as follows:

Definitions. Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

''24X Rules'' or ''FINRA Rules'' shall mean the rules of 24X or FINRA, respectively, as the rules of an exchange or association are defined in Exchange Act Section 3(a)(27).

''Common Rules'' shall mean the 24X Rules that are substantially similar to the applicable FINRA Rules and certain provisions of the Exchange Act and SEC rules set forth on Exhibit 1 in that examination, surveillance or investigation for compliance with such provisions and rules would not require FINRA to develop one or more new examination, surveillance or investigation standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Dual Member's activity, conduct, or output in relation to such provision or rule; provided, however, Common Rules shall not include the application of the SEC, 24X or FINRA rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Chicago Stock Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca Inc., Investors' Exchange LLC and Long-Term Stock Exchange, Inc. approved by the Commission on September 23, 2020, as may be amended from time to time. Common Rules shall not include any provisions regarding (i) notice, reporting or any other filings made directly to or from 24X, (ii) incorporation by reference of other 24X Rules that are not Common Rules, (iii) exercise of discretion in a manner that differs from FINRA's exercise of discretion including, but not limited to exercise of exemptive authority, by 24X, (iv) prior written approval of 24X and (v) payment of fees or fines to 24X.

''Dual Members'' shall mean those 24X members that are also members of FINRA and the associated persons therewith.

''Effective Date'' shall be the date this Agreement is approved by the Commission.

''Enforcement Responsibilities'' shall mean the conduct of appropriate proceedings, in accordance with the FINRA Code of Procedure (the Rule 9000 Series) and other applicable FINRA procedural rules, to determine whether violations of Common Rules have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under the FINRA Code of Procedure and FINRA's sanction guidelines.

''Regulatory Responsibilities'' shall mean the examination, surveillance and investigation responsibilities and Enforcement Responsibilities relating to compliance by the Dual Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on Exhibit 1 attached hereto.

Regulatory Responsibilities. FINRA shall assume Regulatory Responsibilities for Dual Members. Attached as Exhibit 1 to this Agreement and made part hereof, 24X furnished FINRA with a current list of Common Rules and certified to FINRA that such rules are substantially similar to the corresponding FINRA Rules (the ''Certification''). FINRA hereby agrees that the rules listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in either 24X Rules or FINRA Rules, 24X shall submit an updated list of Common Rules to FINRA for review which shall add 24X Rules not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete 24X Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining rules on the current list of Common Rules continue to be 24X Rules that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, FINRA shall confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibilities'' does not include, and 24X shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) the following (collectively, the ''Retained Responsibilities''): surveillance, examination, investigation and enforcement with respect to trading activities or practices involving 24X's own marketplace except as otherwise specified in the list of Common Rules in Exhibit 1; registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules); discharge of its duties and obligations as a Designated Examining Authority pursuant to Rule 17d–1 under the Exchange Act; and any 24X Rules that are not Common Rules, except for 24X Rules for any 24X member that operates a facility (as defined in Section 3(a)(2) of the Exchange Act), acts as an outbound router for 24X and is a member of FINRA (''Router Member'') as provided in paragraph 5.

No Charge. There shall be no charge to 24X by FINRA for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. FINRA shall provide 24X with ninety (90) days advance written notice in the event FINRA decides to impose any changes to 24X for performing the Regulatory Responsibilities under this Agreement. If FINRA determines to impose a charge, 24X shall have the right at the time of imposition of such charge to terminate this Agreement; provided, however, that FINRA's Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

Applicability of Certain Laws, Rules, Regulations or Orders. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the Commission. To the extent such statute, rule or order is inconsistent with this Agreement, the statute, rule or order shall supersede the provision(s) hereof to the extent necessary for them to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

Notification of Violations.

In the event that FINRA becomes aware of apparent violations of any 24X Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, FINRA shall notify 24X of those apparent violations for such response as 24X deems appropriate. With respect to apparent violations of any 24X Rules by any Router Member, FINRA shall not make referrals to 24X pursuant to this paragraph 5. Such apparent violations shall be processed by, and enforcement proceedings in respect thereto will be conducted by, FINRA as provided in this Agreement.

In the event that 24X becomes aware of apparent violations of any Common Rules, discovered pursuant to the performance of the Retained Responsibilities, 24X shall

[13] *See* paragraph 2 of the proposed 17d–2 Plan.

notify FINRA of those apparent violations and such matters shall be handled by FINRA consistent with the provisions in this Agreement.

Apparent violations of Common Rules shall be processed by, and enforcement proceedings in respect thereto shall be conducted by FINRA as provided hereinbefore; provided, however, that in the event a Dual Member is the subject of an investigation relating to a transaction on 24X, 24X may in its discretion assume concurrent jurisdiction and responsibility.

Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings.

Continued Assistance. FINRA shall make available to 24X all information obtained by FINRA in the performance by it of the Regulatory Responsibilities hereunder with respect to the Dual Members subject to this Agreement. In particular, and not in limitation of the foregoing, FINRA shall furnish 24X any information it obtains about Dual Members which reflects adversely on their financial condition. 24X shall make available to FINRA any information coming to its attention that reflects adversely on the financial condition of Dual Members or indicates possible violations of applicable laws, rules or regulations by such firms.

The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations. Neither party shall assert regulatory or other privileges as against the other with respect to documents or information that is required to be shared pursuant to this Agreement. The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

Dual Member Applications. Dual Members subject to this Agreement shall be required to submit, and FINRA shall be responsible for processing and acting upon all applications submitted on behalf of partners, officers, registered personnel and any other person required to be approved by the 24X Rules and FINRA Rules or associated with Dual Members thereof. Upon request, FINRA shall advise 24X of any changes of allied members, partners, officers, registered personnel and other persons required to be approved by the 24X Rules and FINRA Rules. Dual Members shall be required to send to FINRA all letters, termination notices or other material respecting the individuals listed in paragraph 7(a).

When as a result of processing such submissions FINRA becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a Dual Member, FINRA shall determine pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep 24X advised of its actions in this regard for such subsequent proceedings as 24X may initiate.

Notwithstanding the foregoing, FINRA shall not review the membership application, reports, filings, fingerprint cards, notices, or other writings filed to determine if such documentation submitted by a broker or dealer, or an associated person therewith or other persons required to register or qualify by examination meets the 24X requirements for general membership or for specified categories of membership or participation in 24X. FINRA shall not review applications or other documentation filed to request a change in the rights or status described in this paragraph 7(d), including termination or limitation on activities, of a member or a participant of 24X, or a person associated with, or requesting association with, a member or participant of 24X.

Branch Office Information. FINRA shall also be responsible for processing and, if required, acting upon all requests for the opening, address changes, and terminations of branch offices by Dual Members and any other applications required of Dual Members with respect to the Common Rules as they may be amended from time to time. Upon request, FINRA shall advise 24X of the opening, address change and termination of branch and main offices of Dual Members and the names of such branch office managers.

Customer Complaints. 24X shall forward to FINRA copies of all customer complaints involving Dual Members received by 24X relating to FINRA's Regulatory Responsibilities under this Agreement. It shall be FINRA's responsibility to review and take appropriate action in respect to such complaints.

Advertising. FINRA shall assume responsibility to review the advertising of Dual Members subject to the Agreement, provided that such material is filed with FINRA in accordance with FINRA's filing procedures and is accompanied with any applicable filing fees set forth in FINRA Rules.

No Restrictions on Regulatory Action. Notwithstanding anything else herein and to the contrary, except for paragraph 5(a), nothing contained in this Agreement shall restrict or in any way encumber the right of either party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against Dual Members, as either party, in its sole discretion, shall deem appropriate or necessary.

Termination. This Agreement may be terminated by 24X or FINRA at any time upon the approval of the Commission after one (1) year's written notice to the other party, except as provided in paragraph 3.

Arbitration. In the event of a dispute between the parties as to the operation of this Agreement, 24X and FINRA hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Each party acknowledges that the timely and complete performance of its obligations pursuant to this Agreement is critical to the business and operations of the other party. In the event of a dispute between the parties, the parties shall continue to perform their respective obligations under this Agreement in good faith during the resolution of such dispute unless and until this Agreement is terminated in accordance with its provisions. Nothing in this paragraph 13 shall interfere with a party's right to terminate this Agreement as set forth herein.

Amendment. This Agreement may be amended in writing duly approved by each party. All such amendments must be filed with and approved by the Commission before they become effective.

Limitation of Liability. Neither FINRA nor 24X nor any of their respective directors, governors, officers or employees shall be liable to the other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or the other of FINRA or 24X and caused by the willful misconduct of the other party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by FINRA or 24X with respect to any of the responsibilities to be performed by them hereunder.

Relief from Responsibility. Pursuant to Sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, the parties join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve 24X of any and all responsibilities with respect to matters allocated to FINRA pursuant to this Agreement; provided, however, that this Agreement shall not be effective until the Effective Date.

Severability. Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

[Remainder of page intentionally left blank.]

Exhibit 1

24X Certification of Common Rules

24X hereby certifies that the requirements contained in the rules listed below for 24X are identical to, or substantially similar to, the comparable FINRA Rules, Exchange Act provision or Securities Exchange Act Rule (SEA) rule identified (''Common Rules''). # Common Rules shall not include any provisions regarding (i) notice, reporting or any other filings made directly to or from 24X, (ii) incorporation by reference of 24X Rules that are not Common Rules, (iii) exercise of discretion in a manner that differs from FINRA's exercise of discretion

including, but not limited to exercise of exemptive authority, by 24X, (iv) prior written approval of 24X and (v) payment of fees or fines to 24X.

24X Rule	FINRA Rule, Exchange Act provision or SEC rule
Rule 2.5.01(j) Lapse of Registration and Expiration of SIE#	FINRA Rule 1210.08—Registration Requirements—Lapse of Registration and Expiration of SIE.
Rule 2.5.02 Continuing Education Requirements#	FINRA Rule 1240 Continuing Education Requirements.
Rule 2.5 Restrictions, Interpretations and Policies .04 Termination of Employment.	FINRA By-Laws of the Corporation, Article V, Section 3 Notification by Member to the Corporation and Associated Person of Termination; Amendments to Notification; FINRA Rule 1010(e) Electronic Filing Requirements for Uniform Forms.
Rule 2.6(b) and (g) Application Procedures for Membership or to become an Associated Person of a Member#.	FINRA By-Laws of the Corporation, Article IV, Section 1(c) Application for Membership and Article V, Sec. 2(c); FINRA Rule 1010(c) Electronic Filing Requirements for Uniform Forms.
Rule 3.1 Business Conduct of Members*	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade*.
Rule 3.2 Violations Prohibited*#	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade and FINRA Rule 3110 Supervision*.
Rule 3.3 Use of Fraudulent Devices*	FINRA Rule 2020 Use of Manipulative, Deceptive or Other Fraudulent Devices*.
Rule 3.5 Communications with the Public	FINRA Rule 2210 Communications with the Public.
Rule 3.6 Fair Dealing with Customers	FINRA Rule 2020 Use of Manipulative, Deceptive or Other Fraudulent Devices*[1], FINRA Rule 2111 Suitability.
Rule 3.7(a) Recommendations to Customers	FINRA Rule 2111(a) and SM .03 Suitability.
Rule 3.8(a) The Prompt Receipt and Delivery of Securities	FINRA Rule 11860 COD Orders.
Rule 3.8(b) The Prompt Receipt and Delivery of Securities	SEC Regulation SHO.
Rule 3.9 Charges for Services Performed	FINRA Rule 2122 Charges for Services Performed.
Rule 3.10 Use of Information	FINRA Rule 2060 Use of Information Obtained in Fiduciary Capacity.
Rule 3.11 Publication of Transactions and Quotations#	FINRA Rule 5210 Publication of Transactions and Quotations.
Rule 3.12 Offers at Stated Prices	FINRA Rule 5220 Offers at Stated Prices.
Rule 3.13 Payments Involving Publications that Influence the Market Price of a Security.	FINRA Rule 5230 Payments Involving Publications that Influence the Market Price of a Security.
Rule 3.14 Disclosure on Confirmations	FINRA Rule 2232(a) Customer Confirmations and SEC Rule 10b-10 Confirmation of Transactions.
Rule 3.15 Disclosure of Control	FINRA Rule 2262 Disclosure of Control Relationship With Issuer.
Rule 3.16 Discretionary Accounts	FINRA Rule 3260 Discretionary Accounts.
Rule 3.17 Customer's Securities or Funds	FINRA Rule 2150(a) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts—Improper Use.
Rule 3.18 Prohibition Against Guarantees	FINRA Rule 2150(b) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts—Prohibition Against Guarantees.
Rule 3.19 Sharing in Accounts; Extent Permissible	FINRA Rule 2150(c)(1) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts—Sharing in Accounts; Extent Permissible.
Rule 3.20 Influencing or Rewarding Employees of Others	FINRA Rule 3220 Influencing or Rewarding Employees of Others.
Rule 3.21 Customer Disclosures	FINRA Rule 2265 Extended Hours Trading Risk Disclosure.
Rule 3.22 Telemarketing and Interpretations and Policies .01	FINRA Rule 3230 Telemarketing.
Rule 4.1 Requirements*#	Section 17 of the Exchange Act and rules thereunder and FINRA Rule 4511(a) and (c) General Requirements[2]*.
Rule 4.3 Record of Written Complaints	FINRA Rule 4513 Records of Written Customer Complaints.
Rule 5.1 Written Procedures*#	FINRA Rule 3110(b)(1) Supervision-Written Procedures*.
Rule 5.2 Responsibility of Members	FINRA Rule 3110 (a)(4), (b)(4) and (b)(7) Supervision—Supervisory System/Written Procedures—Review of Correspondence and Internal Communications*.
Rule 5.3 Records*	FINRA Rule 3110 Supervision*.
Rule 5.4 Review of Activities	FINRA Rule 3110(c) and (d) Supervision—Internal Inspections/Transaction Review and Investigation*.
Rule 5.5 Prevention of the Misuse of Material, Non-Public Information*	FINRA Rule 3110 Supervision (b)(1) and (d)*.
Rule 5.6 Anti-Money Laundering Compliance Program#	FINRA Rule 3310 Anti-Money Laundering Compliance Program.
Rule 9.3 Predispute Arbitration Agreements	FINRA Rule 2268 Requirements When Using Predispute Arbitration Agreements for Customer Accounts.
Rule 11.9(a)(5) Order Execution#*	FINRA Rule 6182 Trade Reporting of Short Sales.
Rule 11.9(f) Locking Quotation or Crossing Quotations in NMS Stocks**.	FINRA Rule 6240 Prohibition from Locking or Crossing Quotations in NMS Stocks**.
Rule 11.22(b)(1)(A)(i)(c) and(d) Limit Up-Limit Down Plan and Trading Halts on the Exchange.	FINRA Rule 6190(a)& (b) Compliance with Regulation NMS Plan to Address Extraordinary Market Volatility.
Rule 11.21 Trading Halts Due to Extraordinary Market Volatility/Market-Wide Circuit Breakers#.	FINRA Rule 6190(a)& (b) Compliance with Regulation NMS Plan to Address Extraordinary Market Volatility.
Rule 12.1 Market Manipulation	FINRA Rule 6140(a) Other Trading Practices.
Rule 12.2 Fictitious Transactions	FINRA Rule 6140 Other Trading Practices and FINRA Rule 5210 Supplementary Material .02 Self-Trades.
Rule 12.3 Excessive Sales by a Member	FINRA Rule 6140(c) Other Trading Practices.
Rule 12.4 Manipulative Transactions*	FINRA Rule 6140 Other Trading Practices.
Rule 12.5 Dissemination of False Information	FINRA Rule 6140(e) Other Trading Practices.

24X Rule	FINRA Rule, Exchange Act provision or SEC rule
Rule 12.6 Prohibition Against Trading Ahead of Customer Orders # ** ..	FINRA Rule 5320 Prohibition Against Trading Ahead of Customer Orders **.
Rule 12.9 Trade Shredding	FINRA Rule 5290 Order Entry and Execution Practices.
Rule 12.11 Best Execution**	FINRA Rule 5310 Best Execution and Interpositioning **.
Rule 12.13 Trading Ahead of Research Reports	FINRA Rule 5280 Trading Ahead of Research Reports.
Rule 12.14 Front Running of Block Transactions**	FINRA Rule 5270 Front Running of Block Transactions **.
Rule 13.3(a), (b)(i), (d) and Interpretation and Policy .01 Forwarding of Proxy and Other Issuer-Related Materials; Proxy Voting.	FINRA Rule 2251 Processing and Forwarding of Proxy and Other Issuer-Related Materials.

[1] FINRA shall not have Regulatory Responsibilities regarding .01 of 24X Rule 3.6.

[2] FINRA shall not have Regulatory Responsibilities regarding requirements to keep records ''in conformity with . . . Exchange Rules;'' responsibility for such requirement remains with 24X.

In addition, the following provisions shall be part of this 17d–2 Agreement:

SEA Rules:

SEA Rule 200 of Regulation SHO—Definition of Short Sales and Marking Requirements **

SEA Rule 201 of Regulation SHO—Circuit Breaker **

SEA Rule 203 of Regulation SHO—Borrowing and Delivery Requirements **

SEA Rule 204 of Regulation SHO—Close-Out Requirement **

SEA Rule 101 of Regulation M—Activities by Distribution Participants **

SEA Rule 102 of Regulation M—Activities by Issuers and Selling Security Holders During a Distribution **

SEA Rule 103 of Regulation M—Nasdaq Passive Market Making **

SEA Rule 104 of Regulation M—Stabilizing and Other Activities in Connection with an Offering **

SEA Rule 105 of Regulation M—Short Selling in Connection With a Public Offering **

SEA Rule 604 of Regulation NMS—Display of Customer Limit Orders **

SEA Rule 606 of Regulation NMS—Disclosure of Routing Information **^

SEA Rule 610(d) of Regulation NMS—Locking or Crossing Quotations **

SEA Rule 611 of Regulation NMS—Order Protection Rule **^

SEA Rule 10b–5 Employment of Manipulative and Deceptive Devices *

SEA Rule 17a–3/17a–4—Records to Be Made by Certain Exchange Members, Brokers, and Dealers/Records to Be Preserved by Certain Exchange Members, Brokers, and Dealers *

* FINRA shall not have any Regulatory Responsibilities for these rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange Inc., Cboe EDGX Exchange Inc., Financial Industry Regulatory Authority, Inc., MEMX, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange, LLC, NYSE American LLC, NYSE Arca Inc., Investors' Exchange LLC and the Long-Term Stock Exchange, Inc. as approved by the SEC on September 23, 2020, as may be amended from time to time.

** In addition to performing examinations and Enforcement Responsibilities as provided in this Agreement for the double star rules, FINRA shall also perform the surveillance and investigation responsibilities for the double star rules. These rules may be cited by FINRA in both the context of this Agreement and the Regulatory Services Agreement between FINRA and 24X.

^ FINRA shall perform the surveillance and investigation responsibilities for these rules. The examination responsibility for these rules is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., BOX Exchange LLC, Cboe Exchange, Inc., Cboe C2 Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX LLC, Nasdaq ISE, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, Investors Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, MIAX Sapphire, LLC, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc. and Long-Term Stock Exchange, Inc. as approved by the SEC on August 1, 2024 concerning covered Regulation NMS and Consolidated Audit Trail Rules, as may be amended from time to time.

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act[14] and Rule 17d–2 thereunder,[15] after May 23, 2025, the Commission may, by written notice, declare the plan submitted by 24X and FINRA, File No. 4–854, to be effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

[14] 15 U.S.C. 78q(d)(1).

[15] 17 CFR 240.17d–2.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve the proposed 17d–2 Plan and to relieve 24X of the responsibilities which would be assigned to FINRA, interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number 4–854 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–854. 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 (*http://www.sec.gov/rules/other.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 10:00 a.m. and 3:00 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of

24X and FINRA. 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 4–854 and should be submitted on or before May 23, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–08065 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102985; File No. SR–NYSEAMER–2025–27]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the NYSE American Options Fee Schedule To Waive the Combined Cap on Floor Broker Credits Paid for QCC Trades and Rebates Paid Through the Manual Billable Rebate Program for the Months of May, June and July 2025

May 2, 2025.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 30, 2025, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule (''Fee Schedule'') to waive the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program for the months of May, June, and July 2025. The Exchange proposes to implement the fee change effective May 1, 2025. The proposed rule change is available on the Exchange's website at *www.nyse.com,* 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 self-regulatory organization 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 those 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 parts 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 purpose of this filing is to amend the Fee Schedule to waive the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program for the months of months of May, June, and July 2025.

The Exchange imposes a limit on the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program of $3,000,000 per month per Floor Broker firm (the ''Cap'').[4] The purpose of this Cap is to encourage Floor Broker firms to continue to direct open outcry transactions to the Exchange, despite increasing industry volumes making it less difficult to reach the Cap.[5]

In mid-April, in response to extreme market volatility and concomitant surge of open outcry volume that led to Floor Broker firms earning higher than average monthly credits/rebates, the Exchange waived the Cap for April 2025.[6] This waiver was adopted in anticipation of Floor Broker firms reaching the Cap before the end of April and potentially re-directing their order flow away from the Exchange.[7] The Exchange believes that the April waiver was effective as it allowed Floor Broker firms to continue to send their credit/rebate-generating order flow to the Exchange throughout the month without concern for reaching the Cap.

At present, the market remains volatile and open outcry volume on the Exchange remains elevated. The Exchange therefore proposes to waive the Cap for the months of May, June and July 2025.[8] Like the April waiver, the proposed waiver is being adopted in anticipation of Floor Broker firms reaching the Cap before months end and potentially redirecting their order flow away from the Exchange. In the absence of the proposed waiver, Floor Broker firms may choose to re-direct such order flow to a competing market.

Although the Exchange cannot predict with certainty how many Floor Broker firms would be impacted by this change, the Exchange believes that the proposed changes would incent Floor Brokers to continue to direct their order flow to the Exchange thus increasing liquidity to the benefit of all market participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The proposed changes to the Fee Schedule are reasonable, equitable, and not unfairly discriminatory. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that

[16] 17 CFR 200.30–3(a)(34).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Fee Schedule, Sections I.F. and III.E.1 (providing, in relevant part, that Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program shall not combine to exceed $3,000,000 per month per Floor Broker firm).

[5] The Exchange notes that, in January 2025, it increased the Cap from $2,700,000 to $3,000,000 in response to higher industry volumes. *See* Securities Exchange Act Release No. 102241 (January 17, 2025), 90 FR 8071 (January 23, 2025) (SR–NYSEAMER–2025–04).

[6] *See* Securities Exchange Act Release No. 102890 (April 18, 2025), 90 FR 17273 (April 24, 2025) (SR–NYSEAMER–2025–26).

[7] *See id.*

[8] *See* proposed Fee Schedule, Sections I.F. and III.E.1.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11]

There are currently 18 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[12] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in March 2025, the Exchange had 6.83% market share of executed volume of multiply-listed equity & ETF options trades.[13] In such a low-concentrated and highly competitive market, no single options exchange possesses significant pricing power in the execution of options order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules.

The proposed waiver of the Cap is reasonable because it is designed to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function that the Exchange wishes to support for the benefit of all market participants. Absent the proposed waiver, the Exchange believes that as soon as Floor Brokers reach the Cap, they are likely to re-direct order flow away from the Exchange, which may adversely impact other market participants trading on the Exchange. To the extent that the proposed waiver encourages Floor Brokers to facilitate transactions on the Exchange instead of on a competing market, all market participants participating on the Exchange would benefit from the increased liquidity. The Exchange believes the proposed waiver should continue to incent Floor Brokers to encourage market participants to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed change achieves its purpose in attracting more volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution, thus improving market quality for all market participants.

The Exchange believes the proposed waiver of the Cap is an equitable allocation of its fees and credits and is not unfairly discriminatory because the proposal is based on the amount and type of business transacted on the Exchange. Floor Brokers are not obligated to execute manual transactions (and QCCs) to earn rebates and credits applied toward the Cap. However, the proposed waiver is designed to continue to encourage the role performed by Floor Brokers in facilitating the execution of orders via open outcry, a function that the Exchange wishes to support for the benefit of all market participants.

To the extent that the proposed waiver of the Cap continues to attract manual transactions (and QCCs) to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed waiver would improve market quality for all market participants on the Exchange and attract more order flow to the Exchange, thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [14]

Intramarket Competition. The proposed waiver of the Cap apply equally to all similarly-situated Floor Brokers. To the extent that there is an additional competitive burden on non-Floor Brokers, the Exchange believes that any such burden would be appropriate because Floor Brokers serve an important function in facilitating the execution of orders in open outcry and price discovery for all market participants.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 17 competing options exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[15] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in March 2025, the Exchange had 6.83% market share of executed volume of multiply-listed equity & ETF options trades.[16]

The Exchange believes that the proposed waiver of the Cap reflects this competitive environment because it is designed to continue to incent Floor Brokers to direct manual and QCC transactions to the Exchange, to provide liquidity and to attract order flow. To the extent that Floor Brokers are encouraged to utilize the Exchange as a primary trading venue for all

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[12] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here*: https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[13] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchanges market share in equity-based options decreased from 8.36% for the month of March 2024 to 6.83% for the month of March 2025.

[14] *See* Reg NMS Adopting Release, *supra* note 9, at 37499.

[15] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here*: https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[16] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchanges market share in equity-based options decreased from 8.36% for the month of March 2024 to 6.83% for the month of March 2025.

transactions, all Exchange market participants stand to benefit from the improved market quality and increased opportunities for price improvement. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [17] of the Act and subparagraph (f)(2) of Rule 19b–4 [18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2025–27 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–NYSEAMER–2025–27. 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–NYSEAMER–2025–27 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07992 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0597]

Proposed Collection; Comment Request; Extension: Rule 31 and Form R31

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the proposed collection of information provided for in Rule 31 (17 CFR 240.31) and Form R31 (17 CFR 249.11), under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Section 31 of the Exchange Act requires the Commission to collect fees and assessments from national securities exchanges and national securities associations (collectively, ''self-regulatory organizations'' or ''SROs'') based on the volume of their securities transactions. To collect the proper amounts, the Commission adopted Rule 31 and Form R31 under the Exchange Act whereby each SRO must report to the Commission the volume of its securities transactions and the Commission, based on those data, calculates the amount of fees and assessments that each SRO owes pursuant to Section 31. Rule 31 and Form R31 require each SRO to provide these data on a monthly basis.

Currently, there are 31 respondents under Rule 31 that are subject to the collection of information requirements of Rule 31: 28 national securities exchanges, 1 national securities association, and 2 registered clearing agencies that are required to provide certain data in their possession needed by the SROs to complete Form R31, although these 2 clearing agencies are not themselves required to complete and submit Form R31. The Commission estimates that the total burden for all 31 respondents is 480 hours per year. The Commission estimates that, based on previous and current experience, 3 additional national securities exchanges will become registered and subject to the reporting requirements of Rule 31 over the course of the authorization period and collectively incur a burden of 18 hours per year. Thus, the Commission estimates the collective burden for all respondents (existing and new added together) to be 498 hours per

year. The Commission does not believe that the 31 existing or 3 expected new respondents will have to incur any capital or start-up costs, or any additional operational or maintenance costs (other than as already discussed in this paragraph), to comply with the collection of information requirements imposed by Rule 31 and Form R31.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 and send it by email to *PaperworkReductionAct@sec.gov* within 60 days of publication of this notice, by July 7, 2025.

Dated: May 2, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07972 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102970; File No. SR–CboeEDGX–2025–032]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Its Fee Schedule To Provide a Discount on Fees Assessed to Qualifying Academic Purchasers for Purchases of Ad Hoc Historical U.S. Equity Short Volume and Trades Reports

May 2, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 23, 2025, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule to provide a discount on fees assessed to qualifying academic purchasers for purchases ad hoc historical U.S. Equity Short Volume and Trades Reports (''Short Volume Reports'').

By way of background, the Short Volume Report is an end-of-day report that summarizes certain equity trading activity on the Exchange, including trade date,[3] total volume,[4] short volume,[5] and sell short exempt volume,[6] by symbol.[7] The Short Volume Report also includes an end-of-month report that provides a record of all short sale transactions for the month, including trade date and time (in microseconds),[8] trade size,[9] trade price,[10] and type of short sale execution,[11] by symbol and exchange.[12] The Short Volume 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 customers may purchase it on an ad-hoc basis only if they voluntarily choose to do so.

Cboe LiveVol, LLC (''LiveVol''), a wholly owned subsidiary of the Exchange's parent company, Cboe Global Markets, Inc., makes the Short Volume Report available for purchase to Users on the LiveVol DataShop website (*datashop.cboe.com*). Both the end-of-day report and end-of-month report are included in the cost of the Short Volume Report and are available for purchase by both Members as well as non-Members on an annual or monthly [13] basis. The monthly fee is $750 per Internal Distributor [14] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''Trade date'' is the date of trading activity in yyyy-mm-dd format.

[4] ''Total volume'' is the total number of shares transacted.

[5] ''Short volume'' is the total number of shares sold short.

[6] ''Short exempt volume'' is the total number of shares sold short classified as exempt.

[7] ''Symbol'' refers to the Cboe formatted symbol in which the trading activity occurred. *See https://cdn.cboe.com/resources/membership/US_Symbology_Reference.pdf.*

[8] ''Trade date and time'' is the date and time of trading activity in yyyy-mm-dd hh:mm:ss.000000 ET format.

[9] ''Trade size'' is the number of shares transacted.

[10] ''Trade price'' is the price at which shares were transacted.

[11] ''Short 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)).

[12] ''Exchange'' is the market identifier (Z = BZX, Y = BYX, X = EDGX, A = EDGA).

[13] The monthly fees for the Report are assessed on a rolling period based on the original subscription date. For example, if a User subscribes to the Report on October 24, 2023, the monthly fee will cover the period of October 24, 2023, through November 23, 2023. If the User cancels its subscription prior to November 23, 2023, and no refund is issued, the User will continue to receive both the end-of-day and end-of-month components of the Report for the subscription period.

[14] An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes

Continued

$1,250 per External Distributor.[15] Additionally, the Exchange offers historical reports containing both the end-of-day volume and end-of-month trading activity. The fee per month of historical data is $500. The Short Volume Report provided on a historical basis is only for display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. The Exchange notes that the Short Volume Report is subject to direct competition from other exchanges, as other exchanges offer similar products for a fee.[16]

The Exchange proposes to provide a pricing incentive program in which qualifying academic purchasers may purchase the historical reports for the greater fee of (i) a 50% discount off of their total purchase of historical Short Volume Reports or (ii) $500. For example, if a qualifying academic purchaser purchases a month and a half of data, for a total cost of $750 before the discount (for what would be a discounted price of $375), they will be charged the greater fee of $500.[17] The Exchange believes that academic institutions provide a valuable service for the Exchange in studying and promoting the equities market. Though academic institutions and researchers have a need for granular equities data sets, they do not trade upon the data for which they subscribe. The Exchange believes the proposed reduced fees for qualifying academic purchasers of historical Short Volume Reports will encourage and promote academic studies of its market data by academic institutions. In order to qualify for the academic pricing, an academic purchaser must be (1) an accredited academic institution, (2) that will use the data in independent academic research, academic journals and other publications, teaching and classroom use, or for other bona fide educational purposes (*i.e.* academic use). Furthermore, use of the data must be limited to faculty and students of the accredited academic institution, and any commercial or profit-seeking usage is excluded. Academic pricing will not be provided to any purchaser whose research is funded by a securities industry participant. The Exchange will have the discretion to review and approve such qualifying academic purchasers who submit a brief application in accordance with existing LiveVol subscriber policies and request additional information when it deems necessary.

The Exchange notes that other exchanges currently offer academic discounts for similar data feeds.[18] The Exchange recognizes the high value of academic research and educational instruction and publications, and believes that the proposed academic discount for historical Short Volume Reports will encourage the promotion academic research of the equities industry, which will serve to benefit all market participants while also opening up a new potential user base among students. Finally, the Exchange notes that academic purchases for historical Short Volume Reports are educational in use and purpose, and not vocational.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (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. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[22] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

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 fee changes will further broaden the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Exchange believes the dissemination of historical short volume data via historical Short Volume Reports benefits investors through increased transparency and may promote better informed trading, as well as research and studies of the equities industry. Nevertheless, the Exchange notes that such data is not necessary for trading and as noted above, is entirely optional. Moreover, several other exchanges offer a similar data product which offer the same type of data content through similar reports.[23]

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 14% of the equity market share.[24] The Commission has repeatedly expressed

that data to one or more Users within the Distributor's own entity. *See* Cboe EDGX U.S. Equities Exchange Fee Schedule.

[15] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *See* Cboe EDGX U.S. Equities Exchange Fee Schedule.

[16] *See* the Nasdaq Fee Schedule, Equity 7, Section 152. *See also,* the TAQ Group Short Sales (Monthly File) and Short Volume product, offered by the New York Stock Exchange LLC (''NYSE'') and affiliated equity markets (the ''NYSE Group'') at NYSE Exchange Proprietary Market Data | TAQ NYSE Group Short Sales.

[17] The Exchange proposes to amend its fee schedule to include this example for clarity as well.

[18] *See* Securities Exchange Act Release No. 67955 (October 1, 2012) 77 FR 61037 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Reduced Fees for Historical ISE Open/Close Trade Profile Intraday Market Data Offering) (SR–ISE–2012–76); Securities and Exchange Act Release 34–60654 (September 11, 2009) 74 FR 47848 (September 17, 2009) (Notice of Filing of Proposed Rule Change Relating to Historical ISE Open/Close Trade Profile Fees) (SR–ISE–2009–64); Securities Exchange Act Release No. 53770 (May 8, 2006) 71 FR 27762 (May 12, 2006) (Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto To Establish an Annual Administrative Fee for Market Data Distributors That Are Recipients of Nasdaq Proprietary Data Products) (SR–NASD–2006–030); Securities Exchange Act Release No. 85817 (April 25, 2019) 84 FR 21863 (May 5, 2019) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Reduced Subscription Fees for Academics for the Sale of Historical Cboe Open-Close Volume Data) (SR–CBOE–2019–026).

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

[23] *See supra* note 17 [sic].

[24] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (April 21, 2025), available at *https://www.cboe.com/us/equities/market_statistics/.*

its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [25] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supercompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of historical Short Volume Reports.

The Exchange believes that the discount for qualifying academic purchasers for the historical Short Volume Reports is reasonable because academic institutions are not able to monetize access to the data as they do not trade on the data set. The Exchange believes the proposed discount will allow for more academic institutions to purchase the historical Short Volume Reports, and, as a result, promote research and studies of the equities industry to the benefit of all market participants. The Exchange believes that the proposed discount is equitable and not unfairly discriminatory because it will apply equally to all academic institutions that submit an application and meet the accredited academic institution and academic use criteria. As stated above, qualified academic purchasers will subscribe to the data set for educational use and purposes and are not permitted to use the data for commercial or monetizing purposes, nor can they qualify if they are funded by an industry participant. As a result, the Exchange believes the proposed discount is equitable and not unfairly discriminatory because it maintains equal treatment for all industry participants or other subscribers that use the data for vocational, commercial or other for-profit purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive environment in which the Exchange must continually adjust its fees to remain competitive. Because competitors are free to modify their own fees in response, including the adoption of similar discounts to those fees, the Exchange believes that the degree to which fee changes (including discounts and rebates) in this market may impose any burden on competition is extremely limited. As discussed above, the Exchange's historical Short Volume Reports offering is subject to direct competition from several other options exchanges that offer similar data products. Moreover, purchase of historical Short Volume Reports is optional. It is designed to help investors understand underlying market trends to improve the quality of investment decisions, but is not necessary to execute a trade.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change will apply to all qualifying academic purchasers uniformly. While the proposed fee reduction applies only to qualifying academic purchasers, academic institutions' research and publications as a result of access to historical market data benefits all market participants. The Exchange also does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as other options exchanges currently offer similar historical data to academic institutions at a discounted price.[26] Offering a discount for qualifying academic institutions that purchase the Exchange's historical Short Volume Reports may make that data more attractive to such academic institutions and further increase competition with exchanges that offer similar historical data products.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and paragraph (f) of Rule 19b–4 [28] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeEDGX–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–CboeEDGX–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

[25] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[26] *See supra* note 19 [sic].

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f).

Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2025–032 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07980 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102981; File Nos. SR–DTC–2025–003; SR–FICC–2025–006; SR–NSCC–2025–003]

Self-Regulatory Organizations; The Depository Trust Company; Fixed Income Clearing Corporation; and National Securities Clearing Corporation; Notice of Designation of Longer Period for Commission Action on Proposed Rule Changes Relating to a Participant System Disruption

May 2, 2025.

On March 14, 2025, The Depository Trust Company (''DTC''), Fixed Income Clearing Corporation (''FICC'') and National Securities Clearing Corporation (''NSCC,'' and together with DTC and FICC, the ''Clearing Agencies,'' or ''Clearing Agency'' when referring to one of the three Clearing Agencies) filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes SR–DTC–2025–003; SR–FICC–2025–006; and SR–NSCC–2025–003 pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4[2] thereunder to modify the Clearing Agencies' Disruption Rules.[3] The Proposed Rule Changes were published for public comment in the **Federal Register** on March 27, 2025.[4] The Commission has received comments regarding the substance of the changes proposed in the Proposed Rule Change.[5]

Section 19(b)(2)(i) of the Exchange Act[6] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved unless the Commission extends the period within which it must act as provided in Section 19(b)(2)(ii) of the Exchange Act.[7] Section 19(b)(2)(ii) of the Exchange Act allows the Commission to designate a longer period for review (up to 90 days from the publication of notice of the filing of a proposed rule change) if the Commission finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents.[8]

The 45th day after publication of the Notice of Filing is May 11, 2025. In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change and therefore is extending this 45-day time period.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[9] designates June 25, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule changes SR–DTC–2025–003; SR–FICC–2025–006; and SR–NSCC–2025–003.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07988 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Specifically, the Clearing Agencies are seeking to modify Rule 38(A) (Systems Disconnect: Threat of Significant Impact to the Corporation's Systems) of the Rules, By-Laws and Organization Certificate of DTC, Rule 50A of the FICC Government Securities Division (''FICC–GSD'') Rulebook, Rule 40A of the FICC Mortgage-Backed Securities Division (''FICC–MBSD'') Clearing Rules, and Rule 60A of the NSCC Rules & Procedures (collectively with DTC Rule 38(A), the ''Disruption Rules''). Each Disruption Rule is publicly available in the respective rules of the applicable Clearing Agency at *https://www.dtcc.com/legal/rules-and-procedures.*

[4] Securities Exchange Act Release Nos. 102712 (March 21, 2025), 90 FR 13919 (March 27, 2025) (File No. SR–DTC–2025–003); 102713 (March 21, 2025), 90 FR 13942 (March 27, 2025) (File No. SR–FICC–2025–006); and 102711 (March 21, 2025), 90 FR 13926 (March 27, 2025) (File No. SR–NSCC–2025–003).

[5] Comments on the Proposed Rule Change are available at *https://www.sec.gov/comments/sr-dtc-2025-003/srdtc2025003.htm.*

[6] 15 U.S.C. 78s(b)(2)(i).

[7] 15 U.S.C. 78s(b)(2)(ii).

[8] *Id.*

[9] *Id.*

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102976; File No. SR–ISE–2025–13]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Discontinue the Options Regulatory Fee Model Scheduled To Be Implemented in June 2025

May 2, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 28, 2025, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''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 discontinue the ORF model scheduled to be implemented in June 2025.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* at the principal

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101877 (December 11, 2024), 89 FR 102215 (December 17, 2024) (SR–ISE–2024–56) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Approach to the Options Regulatory Fee (ORF) in 2025). *See also* Securities Exchange Act Release No. 102356 (February 5, 2025), 90 FR 9350 (February 11, 2025) (SR–ISE–2025–06) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–ISE–2024–56) (collectively ''June 2025 ORF'').

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

ISE proposes to discontinue the ORF model scheduled to be implemented in June 2025.[4]

ISE previously filed a proposed amendment to its ORF, effective as of January 1, 2025,[5] to amend its methodology of collection to: (1) specify that it is including options transactions in ISE proprietary products; and (2) assess ORF in all clearing ranges except market makers who clear as ''M'' at The Options Clearing Corporation (''OCC''). Additionally, ISE proposed to assess a different rate for trades executed on ISE (''Local ORF Rate'') and trades executed on non-ISE exchanges (''Away ORF Rate'').[6] The Exchange also filed to delay the implementation of SR–ISE–2024–56, with respect to the new ORF and methodology therein which was effective on January 1, 2025, so that it would be implemented on June 1, 2025.[7]

At this time, the Exchange proposes to discontinue its June 2025 ORF. The Exchange received feedback from Members [8] and SIFMA [9] related to the implementation of its June 2025 ORF. In particular, two fields necessary for information sharing of executing exchange information among Members and Clearing Members will not be available after an upcoming technology migration at OCC.[10] In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange is exploring proposing a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

To create real ORF reform, moving to a new ORF model that only assesses a fee to transactions that occur on the Exchange would remove any duplicative ORF billing. The Exchange believes that each exchange should likewise adopt a similar model to ensure consistent industry billing of ORF to the benefit of market participants. A consistent methodology of assessing and collecting ORF will also remove confusion and complexity in the billing of ORF. The Exchange has been engaged in remodeling its current ORF over the last year and has held many conversations with market participants to establish a framework that is practical and fair. The Exchange remains committed to ORF reform and will continue to evaluate its ORF model and seek feedback from market participants.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members, and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to discontinue its June 2025 ORF is reasonable because it has come to light that certain information necessary for billing of ORF would not be available later in 2025. In light of this information, the Exchange has been re-evaluating its ORF model and plans to revamp the current process of assessing and collecting ORF, which would be subject to, and described further in, a future rule filing. Particularly, the Exchange anticipates moving to a modified ORF model in which ORF would only be assessed to on-exchange transactions and would continue to be assessed only to customers. At this this time, the Exchange expects to continue assessing ORF as it does today and will continue to ensure that ORF Regulatory Revenue, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

The Exchange's proposal to discontinue its June 2025 ORF is equitable and not unfairly discriminatory as the proposal would not apply to any Member.

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.

This proposal does not create an unnecessary or inappropriate intra-market burden on competition because no Member would be subject to the June 2025 ORF as a result of this proposal.

Additionally, this proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of ORF Regulatory Revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed Options Regulatory Cost.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)

[4] *See* June 2025 ORF.

[5] *See* June 2025 ORF.

[6] *See* June 2025 ORF.

[7] *See* Securities Exchange Act Release No. 102356 (February 5, 2025), 90 FR 9350 (February 11, 2025) (SR–ISE–2025–06) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–ISE–2024–56).

[8] The Exchange has discussed the implementation of its June 2025 ORF with various Clearing Members.

[9] *See* SIFMA comment letter at *https://www.sec.gov/comments/sr-nasdaq-2024-078/srnasdaq2024078-550079-1574622.pdf.*

[10] *See https://www.theocc.com/company-information/occ-transformation.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

[13] 15 U.S.C. 78f(b)(5).

of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2025–13 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–ISE–2025–13. 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–ISE–2025–13 and should be submitted on or before May 29, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–07984 Filed 5–7–25; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 12723]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Vermeer's Love Letters'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Vermeer's Love Letters'' at The Frick Collection, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 574 of March 4, 2025.

Mary C. Miner,

Managing Director for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–08062 Filed 5–7–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2025–0004]

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Highway Project; Pinal County, Arizona

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (USDOT).

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

SUMMARY: The FHWA, on behalf of the Arizona Department of Transportation (ADOT) is issuing this Notice of Intent (NOI) to solicit comment and advise the public, agencies, Tribes, and stakeholders that an Environmental Impact Statement (EIS) will be prepared for the North-South Corridor, Segment 1, a new highway between U.S. Highway 60 (US 60) and Arizona Farms Road in Pinal County, Arizona. The Tier 1 Final EIS and Record of Decision were completed in August 2021 and addressed the need for additional north-to-south transportation capacity and connectivity in Pinal County. This Tier 2 EIS will build upon the Tier 1 EIS process. A Tier 2 EIS has also been initiated for Segment 2 and a NOI is expected within the next 12-months.

DATES: Comments on the NOI or the NOI Supplementary Information Document must be received on or before June 10, 2025.

ADDRESSES: This NOI and the NOI Supplementary Information Document are available in the docket referenced above at *www.regulations.gov* (*https://regulations.gov*) and on the project website located at *www.northsouth-segment1.com.* The NOI Supplementary Information Document will also be mailed upon request. All interested parties are invited to submit comments or requests for mailed documents by any of the following methods:

- *Website:* For access to the documents, go to the project website located at *www.northsouth-segment1.com.* Follow the online instructions for submitting comments.

- *Phone:* (602) 474–3990.
- *Mailing address or hand delivery or courier:* ADOT NSCS Segment 1 c/o HDR, Inc. 20 East Thomas Road, Suite 2500, Phoenix, AZ 85012.
- *Project email address: info@northsouth-segment1.com.*

All submissions should include the agency, public, Tribe, or stakeholder name; the docket number that appears in the heading of this notice; and the project identification number. All comments received will be posted without change to *www.regulations.gov* (*http://regulations.gov*) or *www.northsouth-segment1.com,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Olmsted, Environmental Planning Program Delivery Manager, Arizona Department of Transportation, 205 South 17th Avenue, MD EM02, Phoenix, Arizona 85007, telephone: (480) 202–6050.

Email: *solmsted@azdot.gov.* ADOT normal business hours are 8:00 a.m. to 4:30 p.m. (Mountain Standard Time).

You may also contact: Mr. Paul O'Brien, Environmental Planning Administrator, Arizona Department of Transportation, 205 S 17th Avenue, MD EM02, Phoenix, Arizona 85007; telephone: (480) 356–2893.

Email: *POBrien@azdot.gov.*

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out under ADOT's assumption of FHWA's National Environmental Policy Act responsibilities through a Memorandum of Understanding dated June 25, 2024, and executed by the FHWA and ADOT.

Persons and agencies who may be interested in or affected by the proposed project are encouraged to comment on the information in this NOI and the NOI Supplementary Information Document. All comments received in response to this NOI document will be considered and any information presented herein.

The EIS will be prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*); recent Council on Environmental Quality guidance; and other applicable Federal, State, and local laws and regulations.

The purpose and need of the North-South Corridor, as established during the Tier 1, is to enhance the area's transportation network to accommodate existing and future populations, improve access to future activity centers, improve regional mobility, provide an alternate to avoid traffic congestion on Interstate 10, improve north-to-south connectivity, and integrate the region's transportation network.

The proposed project would construct a new north-to-south freeway between US 60 and Arizona Farms Road. The EIS will evaluate a range of build alternatives and a No Build Alternative. ADOT has developed three preliminary build alternatives labeled Alternative 1, Alternative 2, and Alternative 3. Each preliminary build alternative is located within the 1,500-foot corridor established by the Tier 1 Selected Corridor Alternative and is approximately 20-miles long. All three preliminary build alternatives would connect with US 60 at the northern project limits and Arizona Farms Road at the southern project limits. In some areas where there are few environmental and technical constraints present, all three preliminary build alternatives use a common single alignment alternative. In other areas where environmental and technical constraints are present, the build alternatives are different and are described based on their horizontal location within the 1,500-foot corridor. Alternative 1 is within the western portions of the 1,500-foot corridor in constrained areas of the corridor, Alternative 2 is within the center zone, and Alternative 3 is within the eastern zone.

This study will also establish traffic interchange locations. The preliminary range of potential interchange locations include Houston Road, Elliott Road, Ray Road, State Route 24, Germann Road, Ocotillo Road, Combs Road/Riggs Road, Skyline Drive, Bella Vista Road, Judd Road, and Arizona Farms Road.

The No Build Alternative involves taking no action except routine maintenance and other presently planned and programmed projects.

Additional information on the purpose and need and alternatives, as well as maps and figures illustrating the project location, and coordination and public involvement efforts are provided in the NOI Supplementary Project Information available for review on the project website noted in the **ADDRESSES** section.

The Tier 2 EIS will evaluate the potential social, economic, and environmental impacts resulting from the implementation of the build alternatives and the No Build Alternative. The following resources are anticipated to be evaluated in detail during the environmental review process: Cultural and Historic Resources; Biological Resources and Wildlife Connectivity; Socioeconomics, Land Use, and Planned Development; Waters of the United States; Section 4(f); and Noise. Additionally, the EIS will also identify impacts to farmlands; recreation; topography, geology, and soils; hydrology, floodplains, and water resources; energy; Section 6(f) resources; air quality; transportation; hazardous waste sites; and visual resources.

Anticipated permits and authorizations that could be required prior to the commencement of construction include:

- U.S. Army Corps of Engineers (USACE) approvals under Section 404 of the Clean Water Act and Section 401 water quality certification;
- Arizona State Land Department (ASLD);
- Bureau of Reclamation (Reclamation) authorization of the Central Arizona Project Canal crossing;
- State Historic Preservation Officer (SHPO) consultation under Section 106 of the National Historic Preservation Act;
- U.S. Fish and Wildlife Service (USFWS) approvals under the Endangered Species Act, the Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act; and
- Natural Resources Conservation Service approval under the Farmland Protection Policy Act.

Public engagement activities for the Tier 2 EIS involved public information meetings held in September 2023. Agency coordination meetings include an Agency Early Scoping Meeting held in August 2023, Cooperating Agency meetings held between April 2024 and March 2025, and one-on-one coordination meetings on specific topics.

Cooperating agencies include USACE, Reclamation, USFWS, U.S. Environmental Protection Agency, Arizona Game and Fish Department, ASLD, and Pinal County. Participating agencies include the Bureau of Land Management, Federal Railroad Administration, Arizona SHPO, Arizona State Parks, Maricopa Association of Governments, Maricopa County Department of Transportation, the City of Apache Junction, the Gila River Indian Community, and the San Carlos Apache Tribe. A Project Coordination Plan is attached to the NOI Supplemental Information Document.

All public comments received in response to this notice will be considered and potential revisions will be made to the information presented herein as appropriate. Comments must be received by June 10, 2025. Comments or questions concerning this proposed action, including the comments relative

the preliminary EIS alternatives, information, and analyses, should be directed to ADOT at the addresses provided in the **ADDRESSES** section of this notice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Anthony N. Sarhan,

Deputy Division Administrator, Phoenix, Arizona.

[FR Doc. 2025–08057 Filed 5–7–25; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0039]

South Florida Regional Transportation Authority's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on April 30, 2025, South Florida Regional Transportation Authority (SFRTA) submitted a request for amendment (RFA) to its FRA-certified positive train control (PTC) system to temporarily disable the system while upgrading end of life wayside signal operating equipment. FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTC system.

DATES: FRA will consider comments received by May 28, 2025. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0039. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with Title 49 Code of Federal Regulations (CFR) Part 236, Subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTC Safety Plan (PTCSP), a host railroad must submit, and obtain FRA's approval of, an RFA to its PTC system or PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on April 30, 2025, SFRTA submitted an RFA to its Interoperable Electronic Train Management System (I–ETMS), which seeks FRA's approval to disable I–ETMS temporarily, between July 25, 2025, starting at 2200 and July 28, 2025, ending at 0400, to replace Control Points at CP Hardy and CP Plantation and the existing PTC wayside interface units. That RFA is available in Docket No. FRA–2010–0039.

Interested parties are invited to comment on SFRTA's RFA by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2025–07973 Filed 5–7–25; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2026 Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Solicitation of grant applications.

SUMMARY: This document contains a notice that the IRS has provided a grant opportunity in *www.grants.gov* for organizations interested in applying for a Low Income Taxpayer Clinic (LITC) matching grant. The IRS is authorized to award multi-year LITC grants not to exceed three years. Grants may be awarded for the development/start up, expansion, or continuation of programs providing qualified services to eligible taxpayers. The budget and the period of performance for the grant will be January 1, 2026–December 31, 2026. The application period runs from May 15, 2025, through July 14, 2025.

DATES: All applications and requests for continued funding for the 2026 grant year must be filed electronically by 11:59 p.m. (Eastern Time) on July 14, 2025. The funding number is TREAS–GRANTS–042026–001, and the Catalog of Federal Domestic Assistance program number is 21.008, see *www.sam.gov.* The IRS is scheduling two optional informational webinars, Session One on May 8, and Session Two on May 22, 2025, to cover the full application process. See *www.irs.gov/advocate/low-income-taxpayer-clinics* for complete details, including posted materials and any changes to the date and time.

FOR FURTHER INFORMATION CONTACT: Karen Tober at (202) 317–4700 (not a

toll-free number) The LITC Program Office at (202) 317–4700 or by email at *karen.toberLITCProgramOffice@irs.gov.* The LITC Program Office, located at: IRS, Taxpayer Advocate Service, LITC Grant Program Administration Office, TA:LITC, 1111 Constitution Avenue NW, Room 1034, Washington, DC 20224. Copies of the *2026 Grant Application Package and Guidelines,* IRS Publication 3319 (Rev. 5–2025), can be downloaded from the IRS internet site at *https://www.taxpayeradvocate.irs.gov/about-us/litc-grants/*. See *https://youtu.be/6kRrjN-DNYQ* for a short video about the LITC Program. Note: To assist organizations in applying for funding, the ''Reminders and Tips for Completing Form 13424–M'' available at *https://www.taxpayeradvocate.irs.gov/about-us/litc-grants* will include instructions for which questions an organization should complete if requesting funding only for the English as a second language (ESL) Education Program described in this notice.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Internal Revenue Code (IRC) § 7526, the IRS will annually award up to $6,000,000 (unless otherwise provided by Congressional appropriation) to qualified organizations, subject to the limitations in the statute. The IRS will allow applicants to request up to $200,000 for the 2026 grant year. The IRS will also continue the ESL Education Program that was rolled out as part of the February 2023 supplemental funding opportunity. For FY 2026, if Congress significantly reduces the overall amount of LITC grant funding or reduces the per-clinic funding cap, the IRS will adjust each grant recipient's award to reflect any limitations in place at that time.

For an applicant proposing to provide tax controversy representation, at least 90 percent of the taxpayers represented by the clinic must have incomes which do not exceed 250 percent of the federal poverty level as determined under criteria established by the Director of the Office of Management and Budget. See 90 FR 5917 (Jan. 17, 2025). In addition, the amount in controversy for the tax year to which the controversy relates generally cannot exceed the amount specified in IRC § 7463 ($50,000) for eligibility for special small tax case procedures in the United States Tax Court. IRC § 7526(c)(5) requires clinics to provide dollar-for-dollar matching funds, which may consist of funds from other non-federal sources or contributions of volunteer time. See IRS Pub. 3319 for additional details. An applicant who is planning to operate a program to inform ESL taxpayers about their taxpayer rights and responsibilities must have either a volunteer or a staff member designated as a Qualified Tax Expert, generally an attorney, enrolled agent or certified public accountant, to review and approve all educational material.

Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low-income or ESL by providing *pro bono* representation on their behalf in tax disputes with the IRS; educating them about their rights and responsibilities as taxpayers; and identifying and advocating for issues that impact low-income and ESL taxpayers.

Type of Qualified Services an Organization Can Provide

IRC § 7526(b)(1)(A) authorizes the IRS to award grants to organizations that represent low-income taxpayers in controversies before the IRS or provide education to ESL taxpayers regarding their taxpayer rights and responsibilities.

Pursuant to the ESL Education Program a grant may be awarded to an organization to operate a program to inform ESL taxpayers about their taxpayer rights and responsibilities under the IRC without the requirement to also provide tax controversy representation to low-income taxpayers. See IRS Pub. 3319 for examples of what constitutes a ''clinic.'' Applicants should note clearly on their applications their intent to apply for the ESL Education Program and should carefully follow the instructions provided.

Selection Consideration

Despite the IRS's efforts to foster parity in availability and accessibility in choosing organizations receiving LITC matching grants and the continued increase in clinic services nationwide, there remain communities that are underserved by clinics- the states of Hawaii, Kansas, Montana, and West Virginia. In addition, Florida, Nevada and South Dakota have only partial coverage. The uncovered counties in those states are listed below:

Florida—Brevard, Citrus, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Indian River, Lafayette, Lake, Madison, Martin, Nassau, Okeechobee, Orange, Osceola, Polk, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, and Volusia.

Nevada—Carson City, Churchill, Douglas, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, White Pine, and Elk.

South Dakota—Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Oglala Lakota, Pennington, Perkins, Potter, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, and Ziebach.

Although each application for the 2026 grant year will be given due consideration, the IRS is especially interested in receiving applications from organizations providing services in these underserved geographic areas. For the ESL Education Program, special consideration will be given to established organizations with existing community partnerships that can swiftly implement and deliver services to the target audiences.

As in prior years, the IRS will consider a variety of factors in determining whether to award a grant, including: (1) the number of taxpayers who will be assisted by the organization, including the number of ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low-income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record in providing services to low-income taxpayers; (4) the quality of the organization, including the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal nontax monetary obligations (filing and payment); (7) whether debarment or suspension (31 CFR part 19) applies or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other grants and contributors and the endowment and resources of the institution sponsoring the organization.

For programs where all or most of cases will be placed with volunteers the following will be considered: (1) the

quality of the representatives (attorneys, certified public accountants, or enrolled agents who have agreed to accept taxpayer referrals from an LITC and provide representation or consultation services free of charge) and (2) the ability of the organization to monitor referrals and ensure that the *pro bono* representatives are handling the cases properly, including taking timely case actions and ensuring services are offered for free.

Applications and requests for continued funding that pass the eligibility screening process will then be subject to technical review. An organization submitting a request for continued funding for the second or third year of a multi-year grant will be required to submit an abbreviated Non-competing Continuation Request and will be subject to a streamlined screening process. Details regarding the scoring process can be found in Publication 3319. The final funding decisions are made by the National Taxpayer Advocate. The costs of preparing and submitting an application are the responsibility of each applicant. Applications may be released in response to Freedom of Information Act requests after any necessary redactions are made. Therefore, applicants must not include any individual taxpayer information. The IRS will notify each applicant in writing once funding decisions have been made.

Erin Collins,

National Taxpayer Advocate.

[FR Doc. 2025–07978 Filed 5–7–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Staff Sergeant Fox Suicide Prevention Grant Program Funding Opportunity

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of funding opportunity.

SUMMARY: VA is announcing the availability of funds for suicide prevention grants under the Staff Sergeant Fox Suicide Prevention Grant Program (SSG Fox SPGP). The SSG Fox SPGP directs efforts to reduce Veteran suicide by awarding grants to community-based organizations to provide or coordinate the provision of primarily non-clinical suicide prevention services, including outreach and linkage to VA and community resources, to eligible individuals and their families. The SSG Fox SPGP furthers VA's public health approach to suicide prevention by combining community-based efforts with linkage to clinical care to prevent Veteran suicide for those inside and outside of VA health care. The goal of these grants is to reduce Veteran suicide risk by improving mental health status, well-being, financial stability, and social support for eligible individuals and their families.

DATES: Applications for suicide prevention services grants must be received by 4:59 p.m. Eastern Time on July 11, 2025. See Section IV of this NOFO for application submission information. VA is unable to receive any application after the deadline.

ADDRESSES: While all applications must be submitted electronically, copies of the application can be downloaded from the SSG Fox SPGP website at *https://www.mentalhealth.va.gov/ssgfox-grants/*. Questions should be referred to the SSG Fox SPGP via email at *VASSGFoxGrants@va.gov*. For detailed program information and requirements, see 38 CFR part 78 at *https://www.ecfr.gov/current/title-38/chapter-I/part-78.*

Technical Assistance: Information regarding how to obtain technical assistance with the preparation and submission of a suicide prevention grant application is available on the SSG Fox SPGP website at: *https://www.mentalhealth.va.gov/ssgfox-grants/*.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Foley, SSG Fox Suicide Prevention Grant Program Director, Office of Suicide Prevention, by email at *VASSGFoxGrants@va.gov* or phone at (202) 502–0002. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: Staff Sergeant Fox Suicide Prevention Grant Program.

Announcement Type: Initial.

Funding Opportunity Number: VA–FOX–SP–FY2026.

Assistance Listing Number: 64.055 Staff Sergeant Fox Suicide Prevention Grant Program.

Eligible applicants are organizations that meet the definition of an eligible entity in section 201(q)(3) of the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019 (Hannon Act), codified at 38 U.S.C. 1720F note. These may include incorporated private institutions or foundations for which no part of the net earnings incur to the benefit of any individual and that have a governing board responsible for the operation of the suicide prevention services provided under the SSG Fox SPGP; corporations wholly owned by incorporated private institutions or foundations meeting the requirements listed above; Indian tribes; community-based organizations that can effectively network with local civic organizations, regional health systems, and other settings where eligible individuals and their families are likely to have contact; and state or local governments.

VA may prioritize the distribution of suicide prevention services grants to: (i) Rural communities; (ii) Tribal lands; (iii) Territories of the United States; (iv) Medically underserved areas; (v) Areas with a high number or percentage of minority Veterans or women Veterans; and (vi) Areas with a high number or percentage of calls to the Veterans Crisis Line. To the extent practicable, grants are distributed to areas with demonstrated need (*e.g.,* high rates of suicide) and to entities that can assist individuals at risk of suicide who are not currently receiving VA health care. Preference is given to entities that have demonstrated the ability to provide or coordinate suicide prevention services.

This Notice of Funding Opportunity (NOFO) assumes that Congress will extend the authority and appropriate funds consistent with section 201 of the Hannon Act as currently written. The NOFO contains information concerning the SSG Fox SPGP; the renewal and new suicide prevention grant application processes; and the amount of funding available. Awards made for suicide prevention grants will fund operations beginning on September 30, 2025, if the authority granted by section 201 of the Hannon Act is extended and funds are appropriated. This is a one-year award with the option to renew for an additional year, pending availability of funds and grantee performance. For detailed program information and requirements, see part 78 of title 38, Code of Federal Regulations (38 CFR part 78).

Before You Begin: If you believe you are a good candidate for this grant, secure your *SAM.gov* and *Grants.gov* registrations now, as these can take up to ten days or more to become active. See *https://sam.gov/sites/default/files/2024-11/entity-checklist.pdf* for a checklist on what you will need to register in SAM. *Grants.gov* guidance is available at *https://www.grants.gov/applicants/applicant-registration.*

A web version of the VA–FSC Vendor File Request Form must be submitted through the VA Customer Engagement Portal at *https://www.cep.fsc.va.gov* by the application deadline stated in this NOFO. Ensure that the information provided on this form aligns with the information listed in *SAM.gov*. This

form is required for all applicants. Proof of registration should be included in the application packet.

Funding Details: This NOFO announces the availability of funds for suicide prevention grants under the SSG Fox SPGP for services in federal Fiscal Year (FY) 2026.

A. *Funding Priorities:* The funding priorities for this NOFO are as follows: Under Priority 1, the 93 current grantees may apply for a new grant award to continue to provide services within the scope of their current grant award; for purposes of 38 CFR part 78, these awards are considered renewals. Priority 1 applicants must apply using the renewal application. To be eligible for renewal of a suicide prevention grant, the Priority 1 applicants' current program must be performing satisfactorily and remain substantially the same. An increase to the funding amount or change in service area is considered a substantial change to the program concept. Renewal applications can request funding that is equal to or less than their current annualized award. If a Priority 1 applicant is not renewed, the existing grant will end on September 30, 2025.

Under Priority 2, VA will accept applications from eligible entities that are not current grantees for funding consideration. Priority 2 applicants must apply using the application materials designated for new applicants.

B. *Allocation of Funds:* Approximately $52,500,000 is available for grant awards under this NOFO, subject to Congressional appropriations and extension of the authority to operate the SSG Fox SPGP. The maximum allowable grant size is $750,000 per year per eligible entity. The expected value of individual awards may range from $100,000 to $750,000. The expected number of total awards is 80–100. Priority 1 applicants may request an amount less than their current award; this will not be considered a substantial change to the program.

C. *Grant Award Period:* Grants awarded will be for a 1-year period starting September 30, 2025. Awards may be extended for up to one additional year pending availability of funding and grantee performance.

D. *Risk Assessment:* Per 2 CFR 200.206, VA will evaluate risks posed by applicants to include review of available information on financial stability, management systems and standards, history of performance, audit reports and findings, and ability to effectively implement requirements.

Eligibility

A. *Eligible Applicants:* Eligible applicants are organizations that meet the definition of an eligible entity in section 201(q)(3) of the Hannon Act:

(1) an incorporated private institution or foundation—(i) no part of the net earnings of which incurs to the benefit of any member, founder, contributor, or individual; and (ii) that has a governing board that would be responsible for the operation of the suicide prevention services provided under this section;

(2) a corporation wholly owned and controlled by an organization meeting the requirements of clauses (i) and (ii) of subparagraph (A);

(3) an Indian tribe;

(4) a community-based organization that can effectively network with local civic organizations, regional health systems, and other settings where eligible individuals and their families are likely to have contact; or

(5) a State or local government.

Demonstration of eligibility as detailed in the application includes submission of documents as outlined in Section V of this NOFO.

Applicants must be registered in the System for Award Management (*sam.gov*) and provide a unique entity identifier and continue to maintain an active SAM registration with current information as per 2 CFR part 200. There is no limit to the number of applications that may be submitted.

B. *Cost Sharing and Matching:* Applicants are not required to submit proposals that contain sharing or matching funds.

Program Description

A. *Funding Priorities:* The principal goal of this NOFO is to seek entities that have demonstrated the ability to provide or coordinate Veteran suicide prevention services. VA will consider Priority 1 applications from renewal grantees according to 38 CFR 78.40 and Priority 2 applications from new applicants according to 38 CFR 78.30. Following the ranking and selection of renewal applicants, if remaining funds are available, they will be awarded pursuant to the following Priority 2.

B. *Definitions:* The regulations for the SSG Fox SPGP, published as an Interim Final Rule in the **Federal Register** on March 10, 2022 (*https://www.federalregister.gov/documents/2022/03/10/2022-04477/staff-sergeant-parker-gordon-fox-suicide-prevention-grant-program*), and codified in 38 CFR part 78, contain all detailed definitions and requirements pertaining to this program. A subsequent technical correction to the regulation was published in the **Federal Register** on March 22, 2022 (87 FR 13835, *https://www.federalregister.gov/documents/2022/03/22/2022-05849/staff-sergeant-parker-gordon-fox-suicide-prevention-grant-program*). VA adopted the Interim Final Rule as Final with changes on August 1, 2024 (89 FR 62663, *https://www.federalregister.gov/documents/2024/08/01/2024-16586/staff-sergeant-parker-gordon-fox-suicide-prevention-grant-program*). These changes are effective under this NOFO.

C. *Approach:* Suicide prevention services are those services that address the needs of eligible individuals and their families and are necessary for improving the mental health, well-being, financial status, and social support, and reducing the suicide risk of eligible individuals. All applicants must include in their application that they will provide or coordinate the required baseline mental health screening to all eligible individuals enrolled in grantee services. In addition, each application must include the proposed suicide prevention services to be provided or coordinated and the identified need for those services. Suicide prevention services may include:

Outreach to identify and engage eligible individuals at highest risk of suicide per 38 CFR 78.45:

(1) Grantees providing or coordinating the provision of outreach must use their best efforts to ensure that eligible individuals, including those who are at highest risk of suicide or who are not receiving health care or other services furnished by VA, and their families are identified, engaged, and provided suicide prevention services.

(2) Outreach must include active liaison with local VA facilities; state, local, or tribal government (if any); and private agencies and organizations providing suicide prevention services to eligible individuals and their families in the area to be served by the grantee.

Grantees identify eligible individuals for services in accordance with 38 CFR 78.10. Based on the suicide risk and eligibility screening conducted by grantees with VA provided tools, eligible individuals that should be considered at highest risk of suicide are those with a past suicide attempt or preparatory behavior for suicide, a recent hospitalization for suicidality, and recent or current suicidal thoughts. VA will provide access to the Columbia Suicide Severity Rating Scale (C–SSRS) to determine the level of suicide risk. Grantees are required to have a presence in the area to meet with individuals and organizations to create referral processes to the grantee and other community resources. VA requires that grantees

coordinate with local VA facilities on a regular basis to coordinate the provision of health care and other services to eligible individuals.

Baseline mental health screening per 38 CFR 78.50: This baseline mental health screening ensures that the participant's mental health needs can be properly determined and that suicide prevention services are tailored to meet the individual's needs. VA provides access to the Patient Health Questionnaire (PHQ9), Generalized Self-Efficacy Scale (GSE), Interpersonal Support Evaluation List (ISEL–12), Socio Economic Status (SES) and the Warwick Edinburgh Mental Well Being Scale (WEMWBS) to all grantees. These five tools together comprise the baseline mental health screening. This service is required by all grantees.

If an eligible individual is at risk of suicide or other mental or behavioral health condition pursuant to the baseline mental health screening, the grantee must refer such individual to VA for care. When such referrals are made by grantees to VA, to the extent practicable, those referrals are required to be a ''warm hand-off'' to ensure that the eligible individual receives necessary care. This ''warm hand-off'' may include providing any necessary transportation to the nearest VA facility, assisting the eligible individual with scheduling an appointment with VA, and any other similar activities that may be necessary to ensure the eligible individual receives necessary care in a timely manner.

Apart from clinical services for emergency treatment under 38 CFR 78.60(a), funds provided under this grant program may not be used to provide clinical services (*e.g.,* psychotherapy, psychiatry, medical care).

Education per 38 CFR 78.55: Education can include suicide prevention gatekeeper training, lethal means safety training, or specific education programs that assist communities, Veterans and families with the identification, assessment, or prevention of suicide. Gatekeeper training generally refers to programs that seek to develop individuals' knowledge, attitudes, and skills to prevent suicide. Gatekeeper training is an educational course designed to teach clinical and non-clinical professionals, or gatekeepers, the warning signs of a suicide crisis and how to respond and refer individuals for care. Learning the signs of suicide risk, how to reduce access to lethal means, and to connect those at risk of suicide to care can improve understanding of suicide and has the potential to reduce suicide.

Clinical services for emergency treatment per 38 CFR 78.60: Clinical services may be provided for emergency treatment of a participant. Applicants are encouraged to carefully review the definition of emergency treatment in 78.60(d), which could include emergency mental health conditions, and is characterized by acute symptoms of sufficient severity requiring immediate attention. If a participant is furnished clinical services for emergency treatment and requires ongoing services, the grantee must refer eligible individuals to VA and family members to appropriate non-VA services for additional care.

Case management services per 38 CFR 78.65: Case management services are focused on suicide prevention to effectively assist participants at risk of suicide based on their assessed needs.

Peer support services per 38 CFR 78.70: Grantees providing or coordinating peer support must do so to help participants understand what resources and supports are available in their area for suicide prevention. Peer support services that are provided must be provided by veterans trained in peer support with similar lived experiences related to suicide or mental health. Peer support specialists are members of an interdisciplinary team and serve as role models and a resource to assist participants with their mental health recovery. Peer support services by a trained peer support specialist differ from other service offerings that merely include peers. Qualification standards for peer specialists include the criteria from 38 U.S.C. 7402 that the individual is (1) a veteran who has recovered or is recovering from a mental health condition, and (2) certified by (i) a not-for-profit entity engaged in peer support specialist training as having met such criteria as VA shall establish for a peer support specialist position, or (ii) a state as having satisfied relevant state requirements for a peer support specialist position. VA has further set forth qualifications for its peer specialists in VA Handbook/Directive 5005, Staffing (Part II, Appendix F3, last updated September 30, 2021; *https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=1479&FType=2*).

Assistance in obtaining VA benefits per 38 CFR 78.75: This assistance will provide participants with additional means of awareness and linkage to available VA benefits such as (1) vocational and rehabilitation counseling; (2) supportive services for homeless Veterans; (3) employment and training services; (4) educational assistance; and (5) health care services. Grantees are not permitted to represent participants before VA with respect to a claim for VA benefits unless they are recognized for that purpose pursuant to 38 U.S.C. 5902. Employees and members of grantees are not permitted to provide such representation unless the individual providing representation is accredited pursuant to 38 U.S.C. chapter 59.

Assistance in obtaining and coordinating other public benefits and assistance with emergent needs per 38 CFR 78.80: Grantees providing this service assist participants in obtaining and coordinating benefits that are provided by Federal, state, local, or tribal agencies, or any other grantee in the area served by the grantee, by referring the participant to and coordinating with such entity.

Public benefits and assistance that grantees may provide participants referrals to include: health care services, which include (1) health insurance and (2) referrals to a governmental entity or grantee that provides (i) hospital care, nursing home care, outpatient care, mental health care, preventive care, habilitative and rehabilitative care, case management, respite care, home care, (ii) the training of any eligible individual's family in the care of any eligible individual, and (iii) the provision of pharmaceuticals, supplies, equipment, devices, appliances, and assistive technology. Grantees may also refer participants, as appropriate, to an entity that provides daily living services relating to the functions or tasks for self-care usually performed in the normal course of a day.

Grantees may provide directly or provide referrals for personal financial planning services; transportation services; temporary income support services (including, among other services, food assistance and housing assistance); fiduciary and representative payee services; legal services to assist eligible individuals with issues that may contribute to the risk of suicide; and childcare. For additional details on these elements, applicants should consult 38 CFR 78.80.

Nontraditional and innovative approaches and treatment practices per 38 CFR 78.85: Applicants may propose nontraditional and innovative approaches and treatment practices in their grant applications, providing adequate detail, and supplying evidence or outcomes supporting the services' effectiveness of improving mental health or mitigating a risk factor for suicidal thoughts and behavior. Nontraditional, innovative, and other services are still subject to the requirement that medical or clinical

services are not fundable unless emergent, as under 38 CFR 78.60. VA reserves the right to approve or disapprove nontraditional and innovative approaches and treatment practices to be provided using funds authorized under the SSG Fox SPGP.

Other services per 38 CFR 78.90: Grantees may provide general suicide prevention assistance under this section for expenses specifically associated with gaining or keeping employment or lethal means safety and storage. This assistance may include payment directly to a third party (and not to a participant or their family), in an amount not to exceed $750 per participant during any 1-year period.

Applicants may propose additional suicide prevention services to be provided. Examples of other services may include, but are not limited to, adaptive sports; equine assisted therapy; in-place or outdoor recreational therapy; substance use reduction programming; non-clinical individual, group, or family counseling; and relationship coaching. VA reserves the right to approve or disapprove other services to be provided or coordinated to be provided using funds authorized under SSG Fox SPGP.

D. *Authority:* Funding applied for under this NOFO is authorized by section 201 of the Commander John Scott Hannon Mental Health Improvement Act (Pub. L. 116–171, ''Hannon Act''). VA established and implemented this statutory authority for the SSG Fox SPGP in 38 CFR part 78. Funds made available under this NOFO are subject to the requirements of section 201 of Hannon Act, 38 CFR part 78, and other applicable laws and regulations. Awardees under this NOFO will comply with all laws, rules, regulations, and executive orders.

E. *Performance Indicators:* The goals of SSG Fox SPGP services are to reduce the Veteran participants' suicide risk and improve their mental health status, wellbeing, financial stability, and social support. Change scores in these domains are determined through pre- and post- service mental health screenings, which allow both an assessment of individual progress and collective impact of the grantee services. Each grantee proposes a program concept, budget, service area, and estimated number of individuals to be served based on their unique community's assessed needs. VA evaluates grantee performance in multiple areas, including but not limited to participant service outcome data, grantee alignment with program goals, demonstrated reach to populations at elevated risk for suicide and not currently served by VA, fiscal management, and timely responsiveness to information requested by VA.

F. *Guidance for the use of VA suicide prevention grant funds:* Consistent with section 201(o) of the Act, only grantees that are a state or local government or an Indian tribe can use grant funds to enter a subcontractor or ''pass through'' agreement with a community partner under which the grantee may provide funds to the community partner for the provision of services to eligible individuals and their families. However, all grantees may choose to enter contracts for goods or services because in some situations, resources may be more readily available at a lower cost, or they may only be available, from another party in the community.

Grantees may make qualifying payments directly to a third party on behalf of a participant in certain situations, including childcare, transportation, food, and housing per 38 CFR 78.80, and the general suicide prevention assistance described in 38 CFR 78.90.

Funds can be used to conduct outreach, educate, and connect with eligible individuals who are not engaged with VA services. Any outreach and education that is funded by SSG Fox SPGP should link directly back to a referral to the grantee's program for an opportunity to enroll the eligible individual in the program.

Funds must be used to screen for eligibility and suicide risk and enroll individuals in the program accordingly. Note that some individuals who come through the referral process may not engage in services. Grantees are expected to determine what referrals are appropriate for these individuals for follow up services. Funds must be used to coordinate and provide suicide prevention services, by the grantee, based on screening and assessment, including clinical services for emergency treatment.

Funds must also be used to evaluate outcomes and effectiveness related to suicide prevention services. Prior to providing suicide prevention services, grantees must verify, document, and classify each participant's eligibility for suicide prevention services. Grantees must determine and document each participant's degree of risk of suicide using tools identified in the suicide prevention services grant agreement. Grantees must also provide or coordinate the provision of a mental health screening to all eligible individuals they serve, when possible. This screening is done with VA-provided tools at intake and again when services are ending and is required of all grantees for each eligible individual served. Having this screening occur at the beginning and prior to services ending is important in evaluating the effectiveness of the services provided.

Grantees must document the suicide prevention services provided or coordinated, how such services are provided, the duration of the services, and any goals for the provision or coordination of such services. If the eligible individual wishes to enroll in VA health care, the grantee must inform the eligible individual of a VA point of contact for assistance with enrollment.

For each eligible individual enrolled in grantee services, grantees must develop and document an individualized plan with respect to the provision of suicide prevention services and based upon needs identified in the baseline screening. This plan must be developed in consultation with the participant.

Additional program guidance is available via the Program Guide, which may be downloaded from *https://www.mentalhealth.va.gov/ssgfox-grants/.*

Application Content and Format

A. *Threshold Review:* VA will only score applicants who meet the following threshold requirements as per 38 CFR 78.20: the application must be filed within the time period established in the NOFO, and any additional information or documentation requested by VA is provided within the time frame established by VA; the application must be completed in all parts; the activities for which the suicide prevention services grant is requested must be eligible for funding; the applicant's proposed participants must be eligible to receive suicide prevention services; the applicant must agree to comply with the requirements of 38 CFR part 78; the applicant must not have an outstanding obligation to the Federal Government that is in arrears and does not have an overdue or unsatisfactory response to an audit; and the applicant must not be in default by failing to meet the requirements for any previous Federal assistance. If these threshold requirements are not met, VA will deem applicants to be ineligible for further consideration.

B. *Priority 1 (Renewals):* VA's regulations at 38 CFR 78.35 describe the criteria that VA will use to score those grantees who are applying for renewal of a grant. Such criteria will assist with VA's review and evaluation of grantees to ensure that those grantees have successful existing programs using the previously awarded grant funds and that they have complied with the requirements of 38 CFR part 78 and

section 201 of the Act. The criteria in § 78.35 ensure that renewals of grants are awarded based on the grantee's program's success, cost-effectiveness, and compliance with VA goals and requirements for this grant program. In addition to the application score, VA's ongoing assessment of grantee performance is a factor in renewal decisions.

Using a weighted scoring method, the renewal application is organized into the following sections: Program Outcomes (maximum 55 points), Cost Effectiveness (maximum 20 points); Compliance with Program Goals and Requirements (25 maximum points); Exhibits (no point values).

VA will use the following criteria to score grantees applying for renewal of a suicide prevention services grant:

(1) the success of the grantee's program, as demonstrated by progress on program goals via outcome measures and surveys.

(2) the cost-effectiveness of the grantee's program.

(3) the extent to which the grantee's program complies with SSG Fox SPGP goals and requirements.

The Exhibit section includes an applicant budget template, to be submitted in a VA provided Microsoft Excel file. The budget submission must include: (1) Annual budget, attached as Exhibit I, and (2) a Budget Narrative, which provides a description of each of the line items contained in the renewal application.

C. *Priority 2 (New Applicants):* VA's regulations at 38 CFR 78.25 describe the criteria that VA will use to score new applications. Applicants must include all required documents in their application submission. Required documents include the completed budget template, organizational chart, key personnel resumes, hiring criteria for proposed staff, and documentation to verify eligible entity type. Submission of an incorrect, incomplete, inconsistent, unclear, or incorrectly formatted application package will result in the application being rejected.

Using a weighted scoring method, VA will use the following criteria to score applicants who are applying for a new suicide prevention services grant:

(1) the background, qualifications, experience, and past performance of the applicant and any community partners identified by the applicant in the suicide prevention services grant application. (maximum 30 points)

(2) the applicant's program concept and suicide prevention services plan, to include projected number of eligible individuals to be served. Note: program concepts proposing primarily or exclusively unallowed services, such as non-emergent clinical care, will not be considered. (maximum 30 points)

(3) the applicant's quality assurance and evaluation plan. (maximum 15 points)

(4) the applicant's financial capability and plan. (maximum 15 points)

(5) the applicant's area linkages and relations with federal, state, local, or tribal governments or private entities that can enhance services and program effectiveness. (maximum 10 points)

The Exhibit section includes an applicant budget template, to be submitted in a VA provided Microsoft Excel file. The budget submission must include: (1) Annual budget, attached as Exhibit I and (2) a Budget Narrative, which provides a description of each of the line items contained in the application.

Submission Requirements and Deadlines

Obtaining an Application Package: Initial and renewal applications are accessed via the electronic grants management system described at *https://www.mentalhealth.va.gov/ssgfox-grants/*. Any questions regarding this process should be referred to SSG Fox SPGP via email at *VASSGFoxGrants@va.gov*. For detailed program information and requirements, see 38 CFR part 78. Note, this opportunity is not subject to Intergovernmental Review per executive order 12372.

Form of Application: Applicants must submit applications electronically following instructions found at *https://www.mentalhealth.va.gov/ssgfox-grants/*. Applications may not be mailed, hand carried, or sent by facsimile.

Submission Date and Time: Applications for suicide prevention grants under SSG Fox SPGP must be received by 4:59 p.m. Eastern Time on July 11, 2025. Awards will fund operations beginning September 30, 2025. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. Additionally, in the interest of fairness to all competing applicants, this deadline is firm as to date and hour. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems. Please see the contact information in Section I. Basic Information of this Notice for any technical questions or difficulties with submission.

Funding Restrictions: Funding will be awarded under this NOFO to existing grantees and new applicants (pending the availability of funds), for services beginning September 30, 2025. In addition to limitations set forth in law and regulation, the following restrictions apply:

(1) Funding cannot be used for construction.

(2) Funding cannot be used for vehicle purchases.

(3) Funding cannot be used for food for staff unless part of per diem travel.

(4) Funding cannot be used for direct cash assistance to participants and their families.

(5) Funding cannot be used for legal services prohibited pursuant to § 78.80(g).

(6) Funding cannot be used for medical, clinical, or dental care and medicines except for clinical services for emergency treatment authorized pursuant to § 78.60.

(7) Funding cannot be used for any activities considered illegal under Federal law, and any costs identified as unallowable per 2 CFR part 200, subpart E.

Application Review Information

A. Review Process: Grant applications will be scored by a VA grant review committee that will be trained in understanding the program's goals, the requirements of the NOFO, VA's regulations for this Program (38 CFR part 78), and the prescribed scoring rubrics in 38 CFR 78.25 and 38 CFR 78.35 (pursuant to 2 CFR part 200). Consistent with 38 CFR 78.40, if all available grant funds are awarded to renewal grants for existing grantees, no new applications will be awarded.

Applications must receive at least 60 points and at least one point under each of the criteria noted above in Section IV of this NOFO. Renewal applicants must also be assessed by VA as having at minimum, satisfactory performance under the terms of their current grant agreement. After selection of renewal applicants, if there is funding available, VA will score and rank all new applicants who score at least 60 cumulative points and receive at least one point under each of the criteria noted above in Section IV of this NOFO.

VA will utilize the ranked scores of new applicants as the primary basis for selection. The applicants will be ranked in order from highest to lowest. However, VA will give preference to applicants that have demonstrated the ability to provide or coordinate suicide prevention services. VA may prioritize

the distribution of suicide prevention services grants to: (i) Rural communities; (ii) Tribal lands; (iii) Territories of the United States; (iv) Medically underserved areas; (v) Areas with a high number or percentage of minority Veterans or women Veterans; and (vi) Areas with a high number or percentage of calls to the Veterans Crisis Line.

To the extent practicable, VA will ensure that suicide prevention services grants are distributed to:(i) Provide services in areas of the United States that have experienced high rates of suicide by eligible individuals; (ii) Applicants that can assist eligible individuals at risk of suicide who are not currently receiving health care furnished by VA; and (iii) Ensure that suicide prevention services are provided in as many areas as possible.

Award Notices

A. *Award Notices:* Although subject to change, VA expects to announce grant awards in the fourth quarter of federal FY 2025. VA reserves the right in any year to adjust (*e.g.,* to funding levels) as needed within the intent of the NOFO based on a variety of factors, including the availability of funding. The initial announcement of awards will be made via a news release posted on VA's SSG Fox SPGP website at *https://www.mentalhealth.va.gov/ssgfox-grants.* The SSG Fox SPGP will concurrently notify both successful and unsuccessful applicants. Only a grant agreement with a VA signature is evidence of an award and is an authorizing document allowing costs to be incurred against a grant award. Other notices, letters, or announcements are not authorizing documents. The grant agreement includes the terms and conditions of the award and must be signed by the entity and VA to be legally binding.

Post-Award Requirements and Administration

A. *Administrative and National Policy Requirements:* VA places great emphasis on responsibility and accountability. VA has procedures in place to monitor grants provided under the SSG Fox SPGP. All applicants selected in response to this NOFO must agree to meet applicable inspection standards outlined in the grant agreement.

Applicants selected in response to this NOFO shall notify SSG Fox SPGP of the start and end dates of their fiscal years, the amount of any other Federal awards they have received since the beginning of the fiscal year during which the application was submitted, the dates of those awards, and whether they have undergone an audit in accordance with 31 U.S.C. chapter 75.

As SSG Fox SPGP grants cannot be used to fund treatment for mental health or substance use disorders, except for clinical services for emergency treatment, applicants must provide evidence that they can provide access to such services to all program participants through both collaboration with local VA medical facilities, and formal and informal agreements with community providers.

B. *Reporting and Monitoring:* Applicants should be aware of the following:

(1) Upon execution of a suicide prevention services grant agreement with VA, grantees will have a liaison appointed by the SSG Fox SPGP who will provide oversight and monitor the use of funds to provide or coordinate suicide prevention services provided to participants.

(2) VA will require that grantees use validated tools and assessments furnished by VA to determine the effectiveness of the suicide prevention services. These include any measures and metrics developed and provided by VA for the purposes of measuring the effectiveness of the programming in improving mental health status, well-being, financial stability, and social support, and in reducing suicide risk of eligible individuals. Grantees will be required to use the VA Data Collection Tool for this purpose.

(3) Grantees must provide each participant with a satisfaction survey, which the participant can submit directly to VA, within 30 days of such participant's pending exit from the grantee's program. This is required to assist VA in evaluating grantees' performance and participants' satisfaction with the suicide prevention services they receive.

(4) Monitoring will also include the submission of periodic and annual financial and performance reports by the grantee in accordance with 2 CFR part 200. The grantee will be expected to demonstrate adherence to the grantee's proposed program concept, as described in the grantee's application or in any approved revisions.

(5) VA has the right, at all reasonable times, to make onsite visits to all grantee locations and have virtual meetings where a grantee is using suicide prevention services grant funds to review grantee accomplishments and management control systems and to provide such technical assistance as may be required.

C. *Payments to Grantees:* Grantees will receive payments electronically through the U.S. Department of Health and Human Services Payment Management System. Grantees will have the ability to request payments as frequently as they choose. Grantees must have internal controls in place to ensure funding is available for the full duration of the grant period of performance, to the extent possible. As described in 38 CFR 78.140, costs for administration by a grantee will be consistent with 2 CFR part 200.

D. *Program Evaluation:* The purpose of program evaluation is to evaluate the impact participation in the SSG Fox SPGP has on eligible individuals' financial stability, mental health status, well-being, suicide risk, and social support, as required by the Act.

As part of the national program evaluation, grantees must input data regularly in VA's web-based Data Collection Tool. VA will ensure grantees have access to the data they need to gather and summarize program impacts and lessons learned on the implementation of the program evaluation criteria; performance indicators used for grantee selection and communication; and the criteria associated with the best outcomes for Veterans.

Training and technical assistance for program evaluation will be provided by VA, which will coordinate with subject matter experts to provide various trainings, including the use of measures and metrics required for this program.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved and signed this document on May 2, 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.

Michael P. Shores,

Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2025–07975 Filed 5–7–25; 8:45 am]

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FEDERAL REGISTER

Vol. 90 Thursday,
No. 88 May 8, 2025

Part II

The President

Federal Register
Vol. 90, No. 88
Thursday, May 8, 2025

Presidential Documents

Title 3—

The President

Proclamation 10930 of May 5, 2025

National Mental Health Awareness Month, 2025

By the President of the United States of America

A Proclamation

During National Mental Health Awareness Month, we recognize the millions of Americans affected by mental health challenges, and my Administration remains committed to prioritizing their well-being.

Mental illnesses can affect anyone, regardless of their background or circumstances. No person should have to face these challenges alone. Recognizing the signs, fostering open dialogue, and showing compassion are essential steps in addressing mental health challenges and supporting those who face them.

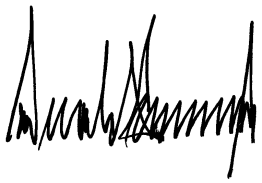
My Administration is confronting the mental health challenges facing our Nation as part of the efforts to improve the overall health and well-being of all Americans. The Make America Healthy Again Commission is addressing the root cause of our country's escalating health crisis and is committed to providing transparency and open-source data, conducting gold-standard research, along with improving access to nutritious food, and expanding treatment options to protect the health of every American.

We also remain committed to making sure every man and woman who served in uniform has access to the mental health care and suicide prevention resources they need. No one who has defended our country should struggle to get support when they need it most.

If you are struggling with your mental health, it is important to reach out to others and seek professionals for support. Together, we will build a stronger, healthier future for all.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2025 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illnesses, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.



[FR Doc. 2025–08263
Filed 5–7–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Proclamation 10931 of May 5, 2025

National Hurricane Preparedness Week, 2025

By the President of the United States of America

A Proclamation

Every year, hurricanes destroy lives, striking some of our Nation's most beautiful regions and leaving devastation in their wake. National Hurricane Preparedness Week is a time to raise awareness about the dangers of these storms and encourage citizens in coastal areas and inland communities to be vigilant in emergency planning and preparation.

Hurricanes, storm surges, and flooding can wash away homes and properties, but the greatest threat is the loss of life, making readiness paramount. Those living in at-risk areas should have a family evacuation plan and a supply of non-perishable food, water, medicine, batteries, and other essential items.

This August marks the 20th anniversary of Hurricane Katrina, which caused widespread destruction and loss of life, leaving an indelible impact on the Louisiana Delta and Mississippi Coast. Tragically, in the decades since, other catastrophic hurricanes—most recently Helene and Milton—have devastated communities and shattered lives throughout our Nation.

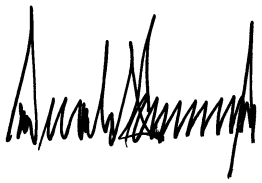
In the aftermath of each storm, the intrepid American spirit emerged. It was evident in the professionalism and compassion of volunteers and organizations offering aid, comfort, and temporary shelter—and in the extraordinary resilience and strength of those left to rebuild their lives. I witnessed this firsthand in North Carolina after Hurricane Helene, where I met with survivors and local leaders working tirelessly to restore their communities.

I remain steadfastly committed to supporting hurricane recovery efforts and ensuring that Federal resources and tax dollars are allocated to American citizens in need. I signed an Executive Order giving State and local authorities a more significant role in resilience, preparedness, and rapid-response efforts. Local officials have the insight to make risk-informed decisions, deploy resources, manage operations, and eliminate ineffective bureaucracy so we can better serve affected communities.

As hurricane season approaches, I urge every household to recognize the dangers of severe weather, assess their risk, and develop a comprehensive plan to ensure disaster preparedness.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 4 through May 10, 2025, as National Hurricane Preparedness Week. I call upon Americans living in hurricane-prone areas to safeguard their families, homes, and businesses from the dangers of hurricanes.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.



[FR Doc. 2025–08264
Filed 5–7–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Proclamation 10932 of May 5, 2025

National Small Business Week, 2025

By the President of the United States of America

A Proclamation

Small businesses power our economy from the ground up, driving innovation and building products that keep America strong, competitive, and secure. During National Small Business Week, we celebrate the unyielding spirit, creativity, and perseverance of our hardworking entrepreneurs who dare to dream big.

Small businesses are vital to our economy. America has 33 million small businesses that employ 61.7 million Americans—nearly half of the private-sector workforce—and create almost two out of every three new jobs in the country.

In recent years, small business owners have faced unprecedented challenges—record high inflation, reckless Federal spending, and burdensome regulations—yet have remained committed to delivering for America's communities.

Small businesses across the country have also carried the burden of a broken global trade system for far too long. Originally designed after World War II to support recovery in war-torn nations, it is now exploited by foreign competitors. They flood our markets with cheap goods while shutting out quality American products.

Too many in our Government were afraid to tackle this problem. Now, at last, my Administration is fixing it. On Liberation Day, we implemented targeted tariffs to protect American businesses from unfair trade practices and to strengthen local supply chains. We are putting American people first and delivering long-overdue relief for our workers and entrepreneurs.

My Administration is unleashing a new era of opportunity for small businesses built on common sense and pro-growth policies that put our workers and our job creators first. We are cutting red tape, keeping taxes low, promoting fair and reciprocal trade practices, and fighting for hardworking Americans.

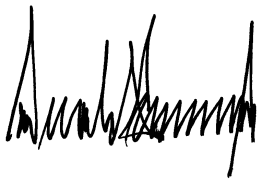
The Made in America Manufacturing Initiative is creating good-paying jobs and securing our supply chains, while cutting $100 billion in regulations that disproportionately burden small businesses and manufacturers. Free from crippling compliance and regulatory hurdles, we are empowering our businesses to focus on what they do best: business.

Entrepreneurship is the foundation of a free and prosperous Nation and the engine of the American economy—built by men and women who work hard, take risks, and believe in the power of the American Dream. From our fields to our factories to the frontiers of technology, our small businesses embody the American spirit, driving growth and creating new employment opportunities. Our history of ingenuity and grit is unrivaled, and by renewing our support of small businesses, we are raising wages, strengthening American families, and leading our country and the world into a new Golden Age.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution

and the laws of the United States, do hereby proclaim May 4 through May 10, 2025, as National Small Business Week. I call upon all Americans to recognize the critical contributions of America's entrepreneurs and small business owners as they grow our Nation's economy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and forty-ninth.



[FR Doc. 2025–08265
Filed 5–7–25; 11:15 am]
Billing code 3395–F4–P

Presidential Documents

Executive Order 14292 of May 5, 2025

Improving the Safety and Security of Biological Research

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. *Purpose.* Dangerous gain-of-function research on biological agents and pathogens has the potential to significantly endanger the lives of American citizens. If left unrestricted, its effects can include widespread mortality, an impaired public health system, disrupted American livelihoods, and diminished economic and national security.

The Biden Administration allowed dangerous gain-of-function research within the United States with insufficient levels of oversight. It also actively approved, through the National Institutes of Health, Federal life-science research funding in China and other countries where there is limited United States oversight or reasonable expectation of biosafety enforcement.

This recklessness, if unaddressed, may lead to the proliferation of research on pathogens (and potential pathogens) in settings without adequate safeguards, even after COVID–19 revealed the risk of such practices.

Sec. 2. *Policy.* It is the policy of the United States to ensure that United States federally funded research benefits American citizens without jeopardizing our Nation's security, strength, or prosperity. My Administration will balance the prevention of catastrophic consequences with maintaining readiness against biological threats and driving global leadership in biotechnology, biological countermeasures, biosecurity, and health research.

Sec. 3. *Stop Dangerous Gain-of-Function Research.* (a) The Director of the Office of Science and Technology Policy (OSTP), in coordination with the Director of the Office of Management and Budget and the Assistant to the President for National Security Affairs (APNSA), and in consultation with the Secretary of Health and Human Services and the heads of other relevant executive departments and agencies (agencies) identified by the Director of OSTP, shall establish guidance for the heads of relevant agencies, to the extent consistent with the terms and conditions of the funding, to immediately:

(i) end Federal funding of dangerous gain-of-function research conducted by foreign entities in countries of concern (*e.g.,* China) pursuant to 42 U.S.C. 6627(c), or in other countries where there is not adequate oversight to ensure that the countries are compliant with United States oversight standards and policies; and

(ii) end Federal funding of other life-science research that is occurring in countries of concern or foreign countries where there is not adequate oversight to ensure that the countries are compliant with United States oversight standards and policies and that could reasonably pose a threat to public health, public safety, and economic or national security, as determined by the heads of relevant agencies.

(b) The Director of OSTP, in coordination with the Director of the Office of Management and Budget and the APNSA, and in consultation with the Secretary of Health and Human Services and the heads of other relevant agencies, shall establish guidance for the Secretary of Health and Human Services and the heads of other relevant agencies with respect to suspension of federally funded dangerous gain-of-function research, pursuant to the terms and conditions of the relevant research funding, at least until the

completion of the policy called for in section 4(a) of this order. Heads of agencies shall report any exception to a suspension to the Director of OSTP for review in consultation with the APNSA and the heads of relevant agencies.

Sec. 4. *Secure Future Research Through Commonsense Frameworks.* (a) Within 120 days of the date of this order, the Director of OSTP, pursuant to 42 U.S.C. 6627 and in coordination with the APNSA and the heads of relevant agencies, shall revise or replace the 2024 ''*United States Government Policy for Oversight of Dual Use Research of Concern and Pathogens with Enhanced Pandemic Potential*'' to:

(i) strengthen top-down independent oversight; increase accountability through enforcement, audits, and improved public transparency; and clearly define the scope of covered research while ensuring the United States remains the global leader in biotechnology, biological countermeasures, and health research;

(ii) incorporate enforcement mechanisms, including those described in section 7 of this order, into Federal funding agreements to ensure compliance with all Federal policies governing dangerous gain-of-function research; and

(iii) provide for review and revision at least every 4 years, or as appropriate.

(b) Within 90 days of the date of this order, the Director of OSTP, in coordination with the APNSA and the heads of relevant agencies, shall revise or replace the 2024 ''*Framework for Nucleic Acid Synthesis Screening*'' (Framework) to ensure it takes a commonsense approach and effectively encourages providers of synthetic nucleic acid sequences to implement comprehensive, scalable, and verifiable synthetic nucleic acid procurement screening mechanisms to minimize the risk of misuse. The heads of all agencies that fund life-science research shall ensure that synthetic nucleic acid procurement is conducted through providers or manufacturers that adhere to the updated Framework. To ensure compliance, the updated Framework shall incorporate the enforcement mechanisms described in section 7 of this order. The Framework shall be reviewed and revised at least every 4 years, or as appropriate.

Sec. 5. *Manage Risks Associated with Non-federally Funded Research*. Within 180 days of the date of this order, the Director of OSTP, in coordination with the Director of the Office of Management and Budget, the APNSA, the Assistant to the President for Domestic Policy, and the heads of other relevant agencies, shall develop and implement a strategy to govern, limit, and track dangerous gain-of-function research across the United States that occurs without Federal funding and other life-science research that could cause significant societal consequences. This strategy shall include actions to achieve comprehensive, scalable, and verifiable nucleic acid synthesis screening in non-federally funded settings. Any gaps in authorities necessary to achieve the goals of this strategy shall be addressed in a legislative proposal to be sent to the President, through the Director of OSTP and the APNSA, within 180 days of the date of this order.

Sec. 6. *Increase Accountability and Public Transparency of Dangerous Gain-of-Function Research.* The Director of OSTP, in coordination with the APNSA and the heads of relevant agencies, shall ensure that the revised policy called for in section 4(a) of this order includes a mechanism whereby research institutions that receive Federal funding must report dangerous gain-of-function research, and to the maximum extent permitted by law, include research that is supported by non-Federal funding mechanisms. The reporting mechanism shall provide a publicly available source of information about research programs and awards identified pursuant to this section, including, where permitted by law, those that have been stopped or suspended pursuant to sections 3(a) and 3(b) of this order, and all future programs and awards that are covered by the updated policy developed in section 4(a) of this order. This reporting shall be conducted in a way that does not compromise

national security or legitimate intellectual property interests of subject institutions.

Sec. 7. *Future Enforcement Terms.* The Secretary of Health and Human Services and the heads of other relevant agencies shall, consistent with existing laws and regulations, include in every life-science research contract or grant award:

(a) a term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with the terms of this order and any applicable regulations promulgated by the contracting or grant-offering agency is material to the Government's payment decisions for purposes of 31 U.S.C. 3729(b)(4);

(b) a term requiring such counterparty or recipient to certify that it does not operate, participate in, or fund any dangerous gain-of-function research or other life-science research in foreign countries that could cause significant societal consequences or generate unnecessary national security risks, and that does not comply with this order and the policies ordered herein;

(c) a term stating that a violation of the terms of this order or any applicable regulations promulgated by the contracting or grant-offering agency by any grant recipient may be considered a violation of such term by the recipient's employer or institution; and

(d) a term stating that any grant recipient, employer, or institution found to be in violation of the terms of this order or any applicable regulations promulgated by the contracting or grant-making agency may be subject to immediate revocation of ongoing Federal funding, and up to a 5-year period of ineligibility for Federal life-sciences grant funds offered by the Department of Health and Human Services and other relevant agencies.

Sec. 8. *Definitions.* For the purposes of this order, ''dangerous gain-of-function research'' means scientific research on an infectious agent or toxin with the potential to cause disease by enhancing its pathogenicity or increasing its transmissibility. Covered research activities are those that could result in significant societal consequences and that seek or achieve one or more of the following outcomes:

(a) enhancing the harmful consequences of the agent or toxin;

(b) disrupting beneficial immunological response or the effectiveness of an immunization against the agent or toxin;

(c) conferring to the agent or toxin resistance to clinically or agriculturally useful prophylactic or therapeutic interventions against that agent or toxin or facilitating their ability to evade detection methodologies;

(d) increasing the stability, transmissibility, or the ability to disseminate the agent or toxin;

(e) altering the host range or tropism of the agent or toxin;

(f) enhancing the susceptibility of a human host population to the agent or toxin; or

(g) generating or reconstituting an eradicated or extinct agent or toxin.

Sec. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

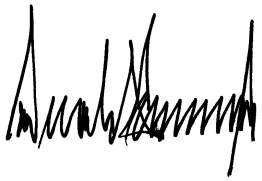
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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) The Department of Health and Human Services shall provide funding for this order's publication in the *Federal Register*.



THE WHITE HOUSE,
May 5, 2025.

[FR Doc. 2025–08266
Filed 5–7–25; 11:15 am]
Billing code 4150–28–P

Presidential Documents

Executive Order 14293 of May 5, 2025

Regulatory Relief To Promote Domestic Production of Critical Medicines

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. *Purpose.* During my first term, my Administration took unprecedented action to improve the well-being of the American people by restoring capacity for domestic production of critical pharmaceutical products. Notably, in Executive Order 13944 of August 6, 2020 (Combating Public Health Emergencies and Strengthening National Security By Ensuring Essential Medicines, Medical Countermeasures, and Critical Inputs Are Made In The United States), I directed each executive department and agency involved in the procurement of Essential Medicines, Medical Countermeasures, and Critical Inputs to take a variety of actions to increase their domestic procurement of Essential Medicines, Medical Countermeasures, and Critical Inputs, as defined in section 7 of that order, and to identify vulnerabilities in our Nation's supply chains for these products. Unfortunately, the prior administration did too little to advance these goals. Critical barriers and information gaps persist in establishing a domestic, resilient, and affordable pharmaceutical supply chain for American patients.

One key area of concern is the length of time it takes to build pharmaceutical manufacturing facilities in the United States today. New construction must navigate myriad Federal, State, and local requirements ranging from building standards and zoning restrictions to environmental protocols that together diminish the certainty needed to generate investment for large manufacturing projects. For pharmaceutical manufacturing, these barriers are heightened by unannounced inspections of domestic manufacturers by the Food and Drug Administration (FDA), which are more frequent than such inspections at international facilities. Industry estimates suggest that building new manufacturing capacity for pharmaceuticals and critical inputs may take as long as 5 to 10 years, which is unacceptable from a national security standpoint. Even expanding existing capacity or modifying existing production lines to produce new or different products requires extensive permitting and regulatory approval, making it more difficult to repurpose existing underutilized pharmaceutical manufacturing capacity available domestically.

It is in the best interest of the Nation to eliminate regulatory barriers to the domestic production of the medicines Americans need. My Administration will work to make the United States the most competitive nation in the world for the manufacture of safe and effective pharmaceutical products.

Sec. 2. *Policy.* It is the policy of the United States that the regulation of manufacturing pharmaceutical products and inputs be streamlined to facilitate the restoration of a robust domestic pharmaceutical manufacturing base.

Sec. 3. *Streamlining Review of Domestic Pharmaceutical Manufacturing by the Food and Drug Administration.* Within 180 days of the date of this order, the Secretary of Health and Human Services, through the Commissioner of Food and Drugs (FDA Commissioner), shall review existing regulations and guidance that pertain to the development of domestic pharmaceutical manufacturing and shall take steps to eliminate any duplicative or unnecessary requirements in such regulations and guidance; maximize

the timeliness and predictability of agency review; and streamline and accelerate the development of domestic pharmaceutical manufacturing. The FDA Commissioner's review shall encompass all regulations and guidance that apply to the inspection and approval of new and expanded manufacturing capacity, emerging technologies that enable the manufacturing of pharmaceutical products, active pharmaceutical ingredients, key starting materials, and associated raw materials in the United States. The FDA Commissioner shall:

(a) evaluate the current risk-based approach to prior approval of licensure inspections, including when such inspections are necessary, and seek to improve upon this approach to ensure all required inspections are prompt, efficient, and limited to what is necessary to ensure compliance with the Federal Food, Drug, and Cosmetic Act and other Federal law;

(b) identify and undertake measures necessary to expand, as practicable, existing programs that provide early technical advice before a facility is operational;

(c) identify and undertake measures necessary to improve enforcement of data reporting under section 510(j)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)(3)), including consideration of publicly displaying the list of facilities, including foreign facilities, that are not in compliance;

(d) provide clearer guidance regarding the requirements or recommendations for site changes, including moving production from a foreign to domestic facility, and validation of new or updated components necessary in manufacturing; and

(e) review and, as appropriate, seek to update any other relevant compliance policies, guidance documents, and regulations.

Sec. 4. *Enhancing Inspection of Foreign Manufacturing Facilities.* Within 90 days of the date of this order, the FDA Commissioner shall develop and advance improvements to the risk-based inspection regime that ensures routine reviews of overseas manufacturing facilities involved in the supply of United States medicines, which shall be funded by increased fees on foreign manufacturing facilities to the extent consistent with applicable law. Additionally, the FDA Commissioner shall publicly disclose the annual number of inspections that the FDA conducts on such foreign facilities, with specific detail by country and by manufacturer.

Sec. 5. *Streamlining Review of Domestic Pharmaceutical Manufacturing by the Environmental Protection Agency.* Within 180 days of the date of this order, the Administrator of the Environmental Protection Agency (EPA) shall take action to update regulations and guidance that apply to the inspection and approval of new and expanded manufacturing capacity of pharmaceutical products, active pharmaceutical ingredients, key starting materials, and associated raw materials in the United States to eliminate any duplicative or unnecessary requirements and maximize the timeliness and predictability of agency review.

Sec. 6. *Centralized Coordination of Environmental Permits to Expand Domestic Pharmaceutical Manufacturing Capacity.* For purposes of 42 U.S.C. 4336a, the EPA shall be the lead agency for the permitting of pharmaceutical manufacturing facilities that require preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.,* unless that role is assumed by another agency. The lead agency shall designate a single point of contact within the agency to coordinate with permit applicants. The Office of Management and Budget shall coordinate with the lead agency and with other relevant agencies and the Federal Permitting Improvement Steering Committee, as needed, to expedite the review and approval of relevant permits.

Sec. 7. *Streamlining Review of Domestic Pharmaceutical Manufacturing by the United States Army Corps of Engineers.* Within 180 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary

of the Army for Civil Works, shall review the nationwide permits issued under section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) and section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403) to determine whether an activity-specific nationwide permit is needed to facilitate the efficient permitting of pharmaceutical manufacturing facilities.

Sec. 8. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

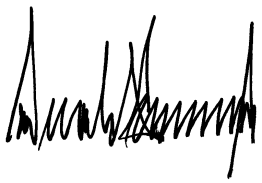
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(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) The Department of Health and Human Services shall provide funding for publication of this order in the *Federal Register*.



THE WHITE HOUSE,
May 5, 2025.

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Last List April 14, 2025

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