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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0336; Project Identifier MCAI-2022-00194-T; Amendment 39-23057; AD 2025-11-11]

RIN 2120-AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a determination that new or more restrictive aircraft maintenance manual (AMM) tasks are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive AMM tasks, as specified in a Transport Canada, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 15, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 15, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0336; 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, the mandatory continuing airworthiness information (MCAI), 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.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0336.

FOR FURTHER INFORMATION CONTACT:

Christopher Spencer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@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 MHI RJ Aviation ULC Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2C11 (Regional Jet Series 550), CL-600-2D15 (Regional Jet Series 705), CL-600-2D24 (Regional Jet Series 900), and CL-600-2E25 (Regional Jet Series 1000) airplanes. The NPRM was published in the **Federal Register** on March 5, 2025 (90 FR 11239). The NPRM was prompted by AD CF-2019-44, dated December 9, 2019 (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states the manufacturer developed a new appendix for candidate certification maintenance requirement (CCMR) interval limitations that are airworthiness limitations. The FAA has determined failure to adhere to the interval limitations specified in the

appendix can lead to reduced structural integrity and reduced controllability of the airplane.

In the NPRM, the FAA proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive AMM tasks, as specified in Transport Canada AD CF-2019-44, dated December 9, 2019. The FAA is issuing this AD to address reduced structural integrity and reduced controllability of the airplane.

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0336.

Discussion of Final Airworthiness Directive

Comments

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

Additional Change Made to This AD

The FAA has revised paragraph (h)(4) of this AD to clarify that this AD does not adopt paragraphs 2. and 3. of Transport Canada AD CF-2019-44, which includes the subsequent non-indented paragraphs following paragraphs 2. and 3.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. 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 this product. Except for minor editorial changes, and the change described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF-2019-44, dated December 9, 2019, which specifies new AMM task intervals that are identified within the airworthiness limitations.

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

Differences Between This AD and the MCAI or Referenced Material

Transport Canada AD CF–2019–44, dated December 9, 2019, introduces new CCMR intervals as specified in the MCAI. Instead of mandating the CCMRs as done in the Transport Canada AD, the FAA, after coordination with Transport Canada, determined the corresponding AMM task numbers will be incorporated. Therefore, the FAA mandates the incorporation into the maintenance or inspection program the AMM tasks as specified in paragraph (h)(2) of this AD.

Transport Canada AD CF–2019–44, dated December 9, 2019, refers to “Temporary Revision (TR) ALI–0716, dated September 13, 2019, or later revisions” for the airworthiness limitation tasks referenced in the AMM tasks. Since that TR was issued, TR ALI–0735, dated April 15, 2020, has been published. The FAA has referred to TR ALI–0735, dated April 15, 2020, in paragraph (h)(2) of this AD.

Costs of Compliance

The FAA estimates that this AD affects 556 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil

aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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:

2025–11–11 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–23057; Docket No. FAA–2025–0336; Project Identifier MCAI–2022–00194–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 15, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) airplanes, certificated in

any category, identified in paragraphs (c)(1) through (5) of this AD.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) airplanes.

(2) Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(3) Model CL–600–2D15 (Regional Jet Series 705) airplanes.

(4) Model CL–600–2D24 (Regional Jet Series 900) airplanes.

(5) Model CL–600–2E25 (Regional Jet Series 1000) airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive aircraft maintenance manual (AMM) tasks are necessary because failure to adhere to the interval limitations can lead to reduced structural integrity and reduced controllability of the airplane. The FAA is issuing this AD to address reduced structural integrity and reduced controllability of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2019–44, dated December 9, 2019 (Transport Canada AD CF–2019–44).

(h) Exception to Transport Canada AD CF–2019–44

(1) Where Transport Canada AD CF–2019–44 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph 1. of Transport Canada AD CF–2019–44 specifies to “incorporate the revised Appendix, A2–00, into Part 2 ALI as introduced by Temporary Revision (TR) ALI–0716, dated 13 September 2019, or later revisions of these tasks approved by Transport Canada”, this AD requires replacing that text with “revise the existing maintenance or inspection program, as applicable, by incorporating the AMM tasks, including the interval limitation, specified in the revised Appendix, A2–00, as introduced by Temporary Revision (TR) ALI–0735, dated April 15, 2020, or later revisions of these tasks approved by Transport Canada. Only the AMM tasks and intervals must be incorporated”.

(3) The initial compliance time for doing the AMM tasks specified in the TR identified in paragraph (h)(2) of this AD is at the later of the times specified in paragraphs (h)(3)(i) and (ii) of this AD.

(i) Before the applicable interval limitation specified in the TR identified in paragraph (h)(2) of this AD since entry into service.

(ii) Within 30 days after the effective date of this AD.

(4) This AD does not adopt paragraphs 2. and 3., which includes the subsequent non-indented paragraphs, of Transport Canada AD CF-2019-44.

(i) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, International Validation 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 International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

For more information about this AD, contact Christopher Spencer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516-228-7300; email: 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF-2019-44, dated December 9, 2019.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des

Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on June 4, 2025.

Steven W. Thompson,

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

[FR Doc. 2025-10434 Filed 6-9-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0343; Project Identifier MCAI-2024-00562-T; Amendment 39-23058; AD 2025-11-12]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020-03-14, which applied to all Airbus SAS Model A350-941 and -1041 airplanes. AD 2020-03-14 required an inspection of affected crew oxygen cylinder assemblies for any discrepancy and replacement of discrepant crew oxygen cylinder assemblies with serviceable parts, and allowed installation of affected parts under certain conditions. Since the FAA issued AD 2020-03-14, the supplier introduced an improved crew oxygen cylinder assembly, that will ensure the correct function of the system. This AD continues to require the actions in AD 2020-03-14, requires replacement of all affected parts with redesigned parts, and also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 15, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 15, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov under Docket No. FAA-2025-0343; 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, the mandatory continuing airworthiness information (MCAI), 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.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at regulations.gov under Docket No. FAA-2025-0343.

FOR FURTHER INFORMATION CONTACT:

Nicole Tsang, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3959; email nicole.s.tsang@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020-03-14, Amendment 39-19839 (85 FR 11282, February 27, 2020) (AD 2020-03-14). AD 2020-03-14 applied to all Airbus SAS Model A350-941 and -1041 airplanes. AD 2020-03-14 required an inspection of crew oxygen cylinder assemblies having part number (P/N) 4441227-058-000 or P/N 4441227-058-001 (affected crew oxygen cylinder assemblies) (also referred to as affected parts) for any discrepancy and replacement of discrepant crew oxygen cylinder assemblies with serviceable parts, and AD 2020-03-14 allowed installation of affected parts under certain conditions. The FAA issued AD 2020-03-14 to address loss of retention of the regulator inlet filter retainer on certain crew oxygen cylinder assemblies. This condition could lead to particle ingestion into the regulator during ground handling, possibly resulting in ignition/fire during system ground operational testing.

The NPRM was published in the **Federal Register** on March 18, 2025 (90 FR 12501). The NPRM was prompted by AD 2024-0186, dated September 24, 2024, issued by EASA (EASA AD 2024-0186) (also referred to as the MCAI),

which is the Technical Agent for the Member States of the European Union. The MCAI states that the supplier introduced an improved crew oxygen cylinder assembly having P/N 4441227–058–002, to ensure the correct function of the system.

In the NPRM, the FAA proposed to continue to require the actions in AD 2020–03–14, to require replacement of all affected parts with redesigned parts, and to also prohibit the installation of affected parts, as specified in EASA AD 2024–0186. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0343.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association,

International (ALPA), who supported the NPRM without change.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. 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, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0186, which specifies procedures for an inspection of each crew oxygen cylinder assembly for any discrepancy (a loose part making a sound during agitation of the cylinder), replacement of any affected crew oxygen cylinder with a serviceable part, and eventual replacement of each affected crew oxygen cylinder with a redesigned part. EASA AD 2024–0186 also prohibits the installation of affected parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 33 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2020–03–14	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$2,805.
New actions	Up to 15 work-hours × \$85 per hour = \$1,275.	12,800	Up to \$14,075	Up to \$464,475.

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

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

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
10 work-hours × \$85 per hour = \$850	\$6,940	\$7,790

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in the cost estimate.

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:

■ a. Removing Airworthiness Directive (AD) 2020–03–14, Amendment 39–19839 (85 FR 11282, February 27, 2020); and

■ b. Adding the following new AD:

2025–11–12 Airbus SAS: Amendment 39–23058; Docket No. FAA–2025–0343; Project Identifier MCAI–2024–00562–T.

(a) Effective Date

This airworthiness directive (AD) is effective July 15, 2025.

(b) Affected ADs

This AD replaces AD 2020–03–14, Amendment 39–19839 (85 FR 11282, February 27, 2020) (AD 2020–03–14).

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by loss of retention of the regulator inlet filter retainer on certain crew oxygen cylinder assemblies. The FAA is issuing this AD to address loss of retention of the regulator inlet filter retainer on certain crew oxygen cylinder assemblies. The unsafe condition, if not addressed, could result in particle ingestion into the regulator during ground handling, possibly resulting in ignition/fire during system ground operational testing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0186, dated September 24, 2024 (EASA AD 2024–0186).

(h) Exceptions to EASA AD 2024–0186

(1) Where EASA AD 2024–0186 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0186 refers to July 30, 2019 (the effective date of EASA AD 2019–0168), this AD requires using April 2, 2020 (the effective date of AD 2020–03–14).

(3) Where paragraphs (1) and (2) of EASA AD 2024–0186 state “the instructions of the AOT”, this AD requires replacing that text with “paragraph 4.2.2., Inspection Requirements, of the AOT.”

(4) Where paragraph (1) of EASA AD 2024–0186 specifies to “inspect each affected part”, this AD requires replacing that text with “do a one-time inspection of any affected part that is installed on-wing”.

(5) Where paragraph (2) of EASA AD 2024–0186 specifies if “any discrepancy is detected, as defined in the AOT,” this AD requires replacing those words with “any loose part making a sound during agitation of the cylinder is detected”.

(6) This AD does not adopt the “Remarks” section of EASA AD 2024–0186.

(i) No Reporting and No Return of Parts Requirements

Although the material referenced in EASA AD 2024–0186 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include those requirements.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (j)(2) of this AD, if any material referenced in EASA AD 2024–0186 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under those paragraphs, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0186, dated September 24, 2024.

(ii) [Reserved]

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

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

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

Issued on June 4, 2025.

Lona C. Saccomando,

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

[FR Doc. 2025–10485 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 382

[Docket No. DOT–OST–2022–0144]

RIN 2105–AF14

Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs

AGENCY: Office of the Secretary of Transportation (OST), U.S. Department of Transportation.

ACTION: Notification of enforcement discretion.

SUMMARY: This document announces that the U.S. Department of Transportation (DOT) will not take enforcement action against regulated entities before August 1, 2025, for failing to comply with the new or revised requirements contained in the final rule on “Ensuring Safe

Accommodations for Air Travelers With Disabilities Using Wheelchairs” (Wheelchair Rule). This enforcement discretion does not apply to violations of DOT’s regulations regarding the treatment of air travelers with disabilities that would also have been violations prior to the issuance of the Wheelchair Rule.

DATES: As of June 10, 2025, enforcement of the amendments enacted in the final rule published December 17, 2024, at 89 FR 102398, is delayed until August 1, 2025.

ADDRESSES: This notification of enforcement discretion, the notice of proposed rulemaking (NPRM), all comments received, the final rule, and all background material may be viewed online at www.regulations.gov using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at www.federalregister.gov and the Government Publishing Office’s website at www.GovInfo.gov.

FOR FURTHER INFORMATION CONTACT: Tori Ford, Vinh Nguyen, Robert Gorman, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342 (phone), 202–366–7152 (fax), victoria.ford@dot.gov, vinh.nguyen@dot.gov, robert.gorman@dot.gov, or blane.workie@dot.gov (email).

SUPPLEMENTARY INFORMATION: On December 17, 2024, DOT issued a final rule on “Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs” (Wheelchair Rule). *See* 89 FR 102398. The final rule, which included certain provisions required by the FAA Reauthorization Act of 2024 (2024 FAA Act),¹ expanded existing airline obligations in 14 CFR part 382 regarding the treatment of air travelers with disabilities. More specifically, the final rule established new requirements in various areas such as training for airline personnel and contractors, assistance to passengers who use wheelchairs in embarking and disembarking from aircraft and moving within the terminal, and airlines’ obligation should wheelchairs or scooters be mishandled. The final rule became effective on January 16, 2025; however, individual requirements in the final rule have varying implementation times, ranging

from January 16, 2025, to June 17, 2026, for training requirements.

DOT previously announced that it would exercise its enforcement discretion and not enforce the Wheelchair Rule until March 20, 2025. *See* 90 FR 9953 (Feb. 20, 2025). DOT is now providing notice that it will continue to exercise its enforcement discretion and not enforce the Wheelchair Rule before August 1, 2025, to allow additional time for the officials appointed or designated by the President to review the Wheelchair Rule to ensure that it is consistent with the law, including the requirements of the 2024 FAA Act, and Administration policies, and to consider the issues raised by a lawsuit filed recently to challenge certain provisions of the Wheelchair Rule.² This notification of enforcement discretion pertains only to the new or revised requirements imposed by the Wheelchair Rule. It does not apply to violations of 14 CFR part 382 that would also have been violations prior to the issuance of the Wheelchair Rule.

Issued in Washington, DC, under authority delegated in 49 CFR 1.27(a):

Gregory D. Cote,

Acting General Counsel.

[FR Doc. 2025–10250 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0459]

Safety Zone; FKCC Swim Around Key West, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Florida Keys Community College Swim Around Key West, Key West, Florida, to provide for the safety of life on the navigable waterways during this event. This action is necessary to ensure the safety of event participants and spectators. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port (COTP) Key West or a designated representative.

DATES: The regulation in 33 CFR 165.786 will be enforced for the Florida Keys Community College Swim Around Key West regulated area listed in item no. 6.1 in the Table to § 165.786, from 9 a.m. until 5 p.m. on June 14, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Chief Marine Science Technician Mathew Mason, Sector Key West Waterways Management Department, Coast Guard. Telephone (305) 292–8823, email Mathew.R.Mason@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.786, Table to § 165.786, item no. 6.1, for the Florida Keys Community College Swim Around Key West, from 9 a.m. until 5 p.m. on June 14, 2025. This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation for recurring marine events within Sector Key West COTP zone, § 165.786, Table to § 165.786, item no. 6.1, specifies the location of the regulated area. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide notification of the regulated area by Local Notice to Mariners and Broadcast Notice to Mariners. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 4, 2025.

Jason D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2025–10489 Filed 6–9–25; 8:45 am]

BILLING CODE 9110–04–P

¹ The FAA Reauthorization Act of 2024, Public Law 118–63 (May 16, 2024).

² *Airlines for America, et al. v. Dep’t of Transp.*, No. 25–60071 (5th Cir.).

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[Docket Number USCG–2025–0514]****RIN 1625–AA00****Safety Zone; Corpus Christi Ship Channel, Port Aransas, TX****AGENCY:** Coast Guard, Department of Homeland Security (DHS).**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone for navigable waters within a 500-yard radius of the rig JOLLIET. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created while it is towed to Aransas Terminals. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi.

DATES: This rule is effective June 10, 2025, through June 17, 2025. The safety zone established by this rule will be enforced on only one day during this period, approximately between the hours of 6 a.m. and 6 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2025–0514 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant, Timothy Cardenas, Waterways Management Division, U.S. Coast Guard, telephone (361) 244–4784, email Timothy.J.Cardenas@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those

procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified on June 2, 2025, of this towing operation, and must establish this safety zone by June 10, 2025, to protect personnel, vessels, and the marine environment. There are potential hazards created by the possibility that the rig JOLLIET could separate from the towing vessel and float free. We lack sufficient time to provide comment period and then consider those comments before issuing the rule.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because there are fewer than 30 days left before the towing is to occur, and publication of this rule is needed to respond to the potential safety hazards associated with towing the rig through the Corpus Christi Shipping Channel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards inherent in the towing of the rig JOLLIET, which will take place between June 10, 2025, and June 17, 2025, will be a safety concern for anyone within 500-yards of the rig as it transits the Corpus Christi Shipping Channel between the sea buoy and Aransas Terminal. The purpose of this rule is to protect the marine environment, and to ensure safety of vessels and persons on these navigable waters who might be present in the safety zone while the rig is being towed.

IV. Discussion of the Rule

The Coast Guard is establishing a 500-yard radius, temporary, moving safety zone around the rig JOLLIET. This rule is effective from June 10, 2025, through June 17, 2025, but will be enforced only one day during this period, between the hours of 6 a.m. and 6 p.m. The enforcement days will be determined based on weather, and the beginning and ending of the transit of the rig JOLLIET, beginning at the sea buoy and ending at Aransas Terminal. No vessel or person will be permitted to enter the temporary, moving safety zone during the period in which the rule is subject to enforcement without obtaining permission from the COTP or a designated representative, who may be

contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450. The Coast Guard will issue Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This regulatory action determination is based on the size, location, and duration of the safety zone. This moving safety zone will only restrict vessel movement in the area around the rig JOLLIET as it is towed along a five nautical mile length of the Corpus Christi Shipping Channel near Port Aransas, TX, from the sea buoy to Aransas Terminal. The temporary, moving safety zone will be subject to enforcement for one 12-hour period from 6 a.m. to 6 p.m., between June 10, 2025, and June 17, 2025.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the temporary moving safety zone may be small entities, for the reasons stated in section V.A above, this rule will not

have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of a temporary moving safety zone around a rig platform under tow on the navigable waters of the Corpus Christi Shipping Channel beginning at the sea buoy to Aransas Terminal. The safety zone will be enforced for approximately 12 hours during the towing evolution. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the rig JOLLIET as it is towed. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T08–0514 to read as follows:

§ 165.T08–0514 Safety Zone; Corpus Christi Shipping Channel, Port Aransas, TX.

(a) *Location.* The following area is a safety zone: all navigable waters encompassing a 500-yard radius around the rig JOLLIET as it is being towed in the Corpus Christi Shipping Channel, from the sea buoy to Aransas Terminal. Entry of vessels of persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by Channel 16 VHF–FM (156.8 MHz) or by telephone at (361) 939–0450. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section is effective from June 10, 2025, through June 17, 2025, but will be enforced only one day during this period, between the hours of 6 a.m. and 6 p.m. approximately. The enforcement day will be determined based on weather, and the COTP or a designated representative will inform the public of the enforcement date and times for the safety zone through Broadcast Notice to Mariners and Safety Marine Information Broadcasts.

Dated: June 4, 2025.

Torrey H. Bertheau,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2025–10584 Filed 6–6–25; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2025–0289]

Special Local Regulation; 49th Annual Swim Around Key West, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Annual Swim Around Key West, in Key West, Florida. This safety zone provides for the safety of life on the navigable waterways during this event. This action is necessary to ensure the safety of event participants and spectators. During the enforcement period, no person or vessel may enter, transit through, anchor in, or remain within the regulated area without approval from the Captain of the Port Key West or a designated representative.

DATES: The regulation in 33 CFR 165.786 will be enforced for the Annual Swim Around Key West regulated area listed in item no. 6.2 in table to § 165.786, from 9:30 a.m. until 7 p.m. on June 28, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Chief Marine Science Technician Mathew Mason, Sector Key West Waterways Management Department, Coast Guard; telephone (305) 292-8823, email Mathew.R.Mason@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in 33 CFR 165.786 for the Annual Swim Around Key West regulated area listed in item no. 6.2 in table to § 165.786, from 9:30 a.m. until 7 p.m. on June 28, 2025.

This action is being taken to provide for the safety of life on navigable waterways during this event. The regulation for recurring marine events within Sector Key West zone, § 165.786 Table, Item 6.2, specifies the location of the regulated area. During the enforcement period, as reflected in § 165.786(a) no person or vessel may enter, transit through, anchor in, or remain within the established regulated areas without approval from the Captain of the Port Key West or designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

The Coast Guard will provide notice of the regulated area by Local Notice to Mariners and Broadcast Notice to Mariners. If the Captain of the Port Key West determines that the regulated area need not be enforced for the full duration stated in this publication, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: April 25, 2025.

Jason D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2025-10488 Filed 6-9-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2025-0408]

Security Zone; Potomac River and Anacostia River, and Adjacent Waters; Washington, DC

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a security zone along the Potomac River and Anacostia River, and adjacent waters at Washington, DC, for activities associated with the Army's 250th Anniversary celebration. This action, which updates the enforcement period, is necessary to protect government officials, mitigate potential terrorist acts and incidents, and enhance public and maritime safety and security immediately before, during, and after this activity. During the enforcement period, entry into or remaining within the zone is prohibited unless authorized by the Captain of the Port or his designated representative.

DATES: The regulations for Security Zone 6, in 33 CFR 165.508, will be enforced from 2 p.m. on June 13, 2025, until 11:59 p.m. on June 14, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LCDR Kate Newkirk, U.S. Coast Guard Sector Maryland-National Capital Region (Waterways Management Division); telephone 410-576-2519, email MDNCRWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce regulations in 33 CFR 165.508, for Security Zone 6, from 2 p.m. on June 13, 2025, until 11:59 p.m. on June 14, 2025. This enforcement period starts earlier and ends later than had been announced on May 28, 2025 (90 FR 22461). This action is being taken to protect government officials, mitigate potential terrorist acts and incidents, and enhance public and maritime safety and security immediately before, during, and after this event. Our regulation for the

Security Zone; Potomac River and Anacostia River, and adjacent waters; Washington, DC, § 165.508(a)(6), specifies the location for this security zone as an area that includes all navigable waters described in paragraphs (a)(1) through (3), which includes Zones 1, 2, and 3.

- Security Zone 1, paragraph (a)(1); all navigable waters of the Potomac River, from shoreline to shoreline, bounded to the north by the Francis Scott Key (US-29) Bridge, at mile 113, and bounded to the south by a line drawn from the Virginia shoreline at Ronald Reagan Washington National Airport, at 38°51'21.3" N, 077°02'00.0" W, eastward across the Potomac River to the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, including the waters of the Boundary Channel, Pentagon Lagoon, Georgetown Channel Tidal Basin, and Roaches Run.

- Security Zone 2, paragraph (a)(2); all navigable waters of the Anacostia River, from shoreline to shoreline, bounded to the north by the John Philip Sousa (Pennsylvania Avenue) Bridge, at mile 2.9, and bounded to the south by a line drawn from the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, southward across the Anacostia River to the District of Columbia shoreline at Giesboro Point at position 38°50'52.4" N, 077°01'10.9" W, including the waters of the Washington Channel.

- Security Zone 3 paragraph (a)(3); all navigable waters of the Potomac River, from shoreline to shoreline, bounded to the north by a line drawn from the Virginia shoreline at Ronald Reagan Washington National Airport, at 38°51'21.3" N, 077°02'00.0" W, eastward across the Potomac River to the District of Columbia shoreline at Hains Point at position 38°51'24.3" N, 077°01'19.8" W, thence southward across the Anacostia River to the District of Columbia shoreline at Giesboro Point at position 38°50'52.4" N, 077°01'10.9" W, and bounded to the south by the Woodrow Wilson Memorial (I-95/I-495) Bridge, at mile 103.8.

During the enforcement period, as specified in § 165.508(b), entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. Public vessels and vessels already at berth at the time the security zone is implemented do not have to depart the security zone. All vessels underway within the security zone at the time it is implemented are to depart the zone at the time the security zone is implemented. To seek permission to transit the zone, the

Captain of the Port Maryland-National Capital Region can be contacted at telephone number (410) 576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). Coast Guard vessels enforcing this zone can be contacted on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). The Coast Guard may be assisted by other Federal, state, or local law enforcement agencies in enforcing this regulation. If the Captain of the Port or his designated on-scene patrol personnel determines the security zone need not be enforced for the full duration stated in this notification, a Broadcast Notice to Mariners may be used to suspend enforcement and grant general permission to enter the security zone.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, and marine information broadcasts.

Dated: June 4, 2025.

Patrick C. Burkett,

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

[FR Doc. 2025-10429 Filed 6-9-25; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO-P-2025-0007]

RIN 0651-AD84

Discontinuation of the Accelerated Examination Program for Utility Applications

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: In order to efficiently allocate examination-related resources to address pendency, and in view of the low number of requests for Accelerated Examination and the availability of a statutory program to expedite the prosecution of applications (Track One, prioritized examination), the United States Patent and Trademark Office (USPTO) is discontinuing the Accelerated Examination program for utility applications. The USPTO is also modifying the rules of practice to clarify the grounds for which a petition to make special may be granted and when a fee is required for such petition.

DATES: This rule is effective July 10, 2025. The USPTO will no longer accept

petitions under the Accelerated Examination program filed on or after July 10, 2025 in utility applications.

FOR FURTHER INFORMATION CONTACT: Pinchus M. Laufer, Senior Patent Attorney, Office of Patent Legal Administration, at 571-272-7726; or Brannon Smith, Legal Advisor, Office of Patent Legal Administration, at 571-270-1601.

SUPPLEMENTARY INFORMATION:

I. Background

USPTO regulations at 37 CFR 1.102 provide that patent applications may be advanced out of turn for examination based on a “petition to make an application special.” In June 2006, the USPTO published a notice to implement the Accelerated Examination program (2006 AE Notice) under which an application would be advanced out of turn for examination if the applicant filed a petition to make special with the appropriate showing (“Accelerated Examination Petition”). See *Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination*, 71 FR 36323 (June 26, 2006). The 2006 AE Notice explained that petitions to make special (except those based on applicant’s health or age) would be processed and examined under the new Accelerated Examination program. 71 FR 36324. The Accelerated Examination program proved to be relatively popular as it was one of the few options for applicants to receive expedited examination. The program was updated on August 16, 2016, to reflect changes in the law and examination practice. See *Changes in Accelerated Examination Practice*, 81 FR 54564 (August 16, 2016).

On September 26, 2011, the USPTO implemented the prioritized examination program (often referred to as “Track One”) provided for in the America Invents Act (AIA). See *Changes To Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act*, 76 FR 59050 (September 23, 2011). Track One provides the ability to advance any utility or plant application out of turn, regardless of subject matter, by paying a fee and without an applicant having to meet several of the requirements of the Accelerated Examination program, such as performing a pre-examination search and supplying an examination support document. See 37 CFR 1.102(e).

The introduction of the Track One program has greatly reduced participation in the Accelerated Examination program. In each of the

fiscal years 2014 to 2024, fewer than 100 applicants have taken advantage of the Accelerated Examination program.

In contrast, Track One has become a significantly more popular program than Accelerated Examination. Due to the steady increase in the number of requests for prioritized examination under Track One, the USPTO raised the annual limit on the number of prioritized examination requests that may be accepted from 10,000 to 12,000 in 2019, and to 15,000 in 2021. See *Increase of the Annual Limit on Accepted Requests for Track I Prioritized Examination*, 84 FR 45907 (September 3, 2019), and *2021 Increase of the Annual Limit on Accepted Requests for Track One Prioritized Examination*, 86 FR 52988 (September 24, 2021). The USPTO anticipates further raising the annual limit on the number of prioritized examination requests that may be accepted from 15,000 to 20,000 in 2025.

As opposed to the more straightforward Track One program, the resource demands of the Accelerated Examination program are in tension with the USPTO’s broader efforts to reduce overall pendency (*i.e.*, the time that the application is pending or awaiting a decision). First-action pendency has increased since 2019, impacting the USPTO’s ability to reduce the incidence of patent term adjustments, which are required if first-action pendency reaches 14 months (see 37 CFR 1.703(a)(1)). In particular, the overall first-action pendency in fiscal year 2019 was approximately 14.7 months but rose to approximately 19.9 months in fiscal year 2024. Petitions for Accelerated Examination are decided by technology centers. Deciding the petitions and monitoring compliance with program requirements throughout prosecution requires extensive evaluation and diverts substantial technology center resources that could be applied more efficiently to the examination of older applications. In addition, many petitions for Accelerated Examination are ultimately denied and the applications examined in their ordinary turn, thereby incurring costs with little benefit to applicants or the public. In fiscal year 2024, for example, approximately one-third of finally decided petitions for Accelerated Examination were denied. Further, reducing the number of programs involving special handling reduces administrative overhead and improves overall processing efficiency. Finally, the low number of applicants requesting Accelerated Examination indicates that the Track One program can accommodate applicants who require

expedited examination for utility applications. Thus, discontinuing the Accelerated Examination program for utility applications allows more examining resources to be devoted to older, unexamined utility applications, thereby reducing the number of these applications and supporting the USPTO's broader efforts to reduce pendency.

Due to the need to reduce overall first-action pendency, the low usage of the Accelerated Examination program, the popularity of the Track One program, and the inconvenience to practitioners and the USPTO of retaining a seemingly redundant program with its own special handling procedures (See Manual of Patent Examining Procedure 708.02(a)), the Accelerated Examination program does not provide a sufficient benefit to the public or the patent system to justify the cost of continuing the program for utility applications. Accordingly, the USPTO is discontinuing the Accelerated Examination program for utility applications. The Accelerated Examination program will remain in effect for design applications, which do not currently have an alternative expedited examination program. Any petition or request for reconsideration of a petition to make special under the Accelerated Examination program filed with a utility application on or after July 10, 2025 will not be granted, irrespective of the filing date and time of any prior Accelerated Examination petition and without regard to the USPTO's determination that applicant was afforded an opportunity to correct a prior deficient Accelerated Examination petition under the program. The effective date of July 10, 2025 will provide sufficient time for applicants currently preparing an Accelerated Examination petition to complete it prior to the elimination of the Accelerated Examination program.

Under the Accelerated Examination program, petitions to make special for inventions enhancing the quality of the environment, contributing to the development or conservation of energy resources, or contributing to countering terrorism would be granted if the petition complied with the requirements of the Accelerated Examination program including performing a pre-examination search and drafting an examination support document. For these inventions, pursuant to 37 CFR 1.102(c)(2), the 37 CFR 1.17(h) fee for a petition to make special was not required.

After the Accelerated Examination program is discontinued for utility applications, applicants can still receive expedited examination of their applications directed to these

inventions without having to prepare and file an examination support document by taking advantage of the Track One program under 37 CFR 1.102(e). Instead of preparing and filing an examination support document, Track One applicants pay a fee to receive expedited examination. Qualified small and micro entity applicants receive discounts for the prioritized examination fee of 60% and 80%, respectively. Accordingly, 37 CFR 1.102(c) is being amended to remove the grounds listed in § 1.102(c)(2). The grounds found in 37 CFR 1.102(c)(1) (age and health), which are available without a fee, are retained and are moved into 37 CFR 1.102(c).

Additionally, to reflect changes in law and practice due to the Leahy-Smith America Invents Act (AIA), Public Law 112–29, 125 Stat. 284 (2011), the rules of practice are revised to clarify that it is the inventor's or a joint inventor's age or health (not the applicant's age or health) that is relevant to 37 CFR 1.102(c) when filing a petition to make special.

II. Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, part 1, is amended as follows:

Section 1.102: Section 1.102(c)(2) is removed to reflect that advancement of examination for inventions on the grounds that they materially enhance the quality of the environment, contribute to the development or conservation of energy resources, or contribute to countering terrorism is no longer available without a fee. After the 2006 AE Notice, petitions to advance examination of these inventions were subsumed under the Accelerated Program and were no longer independent grounds for obtaining special status. These types of invention were accepted into the Accelerated Examination program without requiring the fee under § 1.17(h) upon appropriate showing. Instead, applicants can seek advancement of examination of these types of inventions under the Track One program. Small and micro entities can pay reduced fees for Track One applications.

Further, § 1.102(c) is amended to state that the inventor's or a joint inventor's age or health may be a ground to file a petition to make special without a fee. Previously, the rule stated that a petition to make special may be filed without a fee if the basis for the petition is applicant's age or health. However, after the passage of the AIA, the terms “inventor” and “applicant” are no longer synonymous and, thus, an applicant may be an entity or individual

other than the inventor. Therefore, to clarify that it is the inventor's or a joint inventor's age or health that is relevant, § 1.102(c) is amended accordingly. Section 1.102(c) now only permits the petition to make special without a fee for petitions based on an inventor's or a joint inventor's age or health.

III. Rulemaking Considerations

A. Administrative Procedure Act: This final rule revises the procedures available to expedite the prosecution of patent applications. The changes in this final rule do not change the substantive criteria of patentability. Therefore, the changes in this rulemaking involve rules of agency practice and procedure and/or interpretive rules and do not require notice-and-comment rulemaking, pursuant to 5 U.S.C. 553(b)(A)). See *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 97, 101 (2015) (explaining that interpretive rules “advise the public of the agency's construction of the statutes and rules which it administers” and do not require notice-and-comment when issued or amended); *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice”); *In re Chestek PLLC*, 92 F.4th 1105, 1110 (Fed. Cir. 2024) (noting that rule changes that “do[] not alter the substantive standards by which the USPTO evaluates trademark applications” are procedural in nature and, thus, “exempted from notice-and-comment rulemaking.”); and *JEM Broadcasting Co. v. F.C.C.*, 22 F.3d 320, 328 (D.C. Cir. 1994) (“[T]he ‘critical feature’ of the procedural exception [in 5 U.S.C. 553(b)(A)] ‘is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.’” (quoting *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980))).

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. See 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The

USPTO has complied with Executive Order 13563 (January 18, 2011). Specifically, and as discussed above, the USPTO has, to the extent feasible and applicable: (1) reasonably determined that the benefits of the rule justify its costs; (2) tailored the rule to impose the least burden on society consistent with obtaining the agency's regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens while maintaining flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 14192 (Deregulation): This regulation is not an Executive Order 14192 regulatory action because it has been determined to be not significant.

F. Executive Order 13132 (Federalism): This rulemaking pertains strictly to Federal agency procedures and does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

G. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian Tribal governments; or (3) preempt Tribal law. Therefore, a Tribal summary impact statement is not required under Executive Order 13175 (November 6, 2000).

H. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

I. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections

3(a) and 3(b)(2) of Executive Order 12988 (February 5, 1996).

J. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (April 21, 1997).

K. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (March 15, 1988).

L. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a "major rule" as defined in 5 U.S.C. 804(2).

M. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. See 2 U.S.C. 1501 *et seq.*

N. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is, thus, categorically excluded from review under the National Environmental Policy Act of 1969. See 42 U.S.C. 4321 *et seq.*

O. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions

that involve the use of technical standards.

P. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the USPTO consider the impact of paperwork and other information collection burdens imposed on the public. The collections of information involved in this final rule have been reviewed and previously approved by OMB under control numbers 0651-0031 and 0651-0059. In view of this final rule, the USPTO will submit an update to the 0651-0059 information collection in the form of a nonsubstantive change request. This final rule does not materially change the information collections approved under OMB control number 0651-0031. Therefore, the USPTO will not submit an update to the 0651-0031 information collection.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Q. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR Part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.102 is amended by revising paragraph (c) to read as follows:

§ 1.102 Advancement of examination.

* * * * *

(c) A petition to make an application special may be filed without a fee if the

basis for the petition is the inventor's or a joint inventor's age or health.

* * * * *

Coke Morgan Stewart,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 2025–10498 Filed 6–9–25; 8:45 am]

BILLING CODE 3510–16–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: On April 9, 2025, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective July 13, 2025. This final rule contains the revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to implement the changes coincident with the price adjustments and other DMM changes.

DATES: *Effective Date:* July 13, 2025.

FOR FURTHER INFORMATION CONTACT:

Doriane Harley at (202) 268–2537 or Dale Kennedy at (202) 268–6592.

SUPPLEMENTARY INFORMATION: On May 30, 2025, the PRC favorably reviewed the price adjustments proposed by the Postal Service. The price adjustments and DMM revisions are scheduled to become effective on July 13, 2025. Final prices are available under Docket No. R2025–1 (Order No. 8867) on the Postal Regulatory Commission's website at www.prc.gov.

SCF Pallet Discount for First Class Mail

The Postal Service will offer SCF pallet discounts to First-Class card, letter, and flat-shaped mail on Sectional Center Facilities (SCF) or finer pallets. The discount will be a containerization discount for SCF, 5-Digit, and/or AADC/ADC pallets for First-Class Mail.

Elimination of Bundling in First-Class Mail Flat Trays

The Postal Service is eliminating bundling for First Class Mail flats in flat tubs. Customers would continue to prepare each tub with mail sorted to the 5-digit, 3-digit, and scheme price levels without bundling the mail.

Elimination of Marketing Mail Commercial & Nonprofit Automation Basic CR Letters

The Postal Service is eliminating the Basic Carrier Route Letter rate category to reduce the additional costs of processing and delivering of such mailpieces.

Elimination of Media and Library Mail Presort Prices

The Postal Service is eliminating the presort options for Media and Library Mail. The 5-digit and Basic rate options will be eliminated and single-piece will remain as the available rate category.

Nonprofit Machinable and Nonprofit Irregular Priced Parcels Dimensions

The Postal Service is updating the dimensions of 108 inches in length and girth for consistency with the pricing of the product, machinable parcels. The Postal Service will revise the dimensions to be 22 inches in length, 18 inches in width, and 15 inches in height.

Combine Plus One and Detached Marketing Labels (DML) Products

The Postal Service is merging these two products into one Plus One product and will allow usage with either marriage mail saturation letters or saturations flats.

Eliminate DNDC Entry Discount for USPS Marketing Mail, Periodicals, and Bound Printed Matter

The Postal Service is eliminating NDC entry and the DNDC entry discount for USPS Marketing Mail, Periodicals, and Bound Printed Matter.

Alaska Bypass Nomenclature Update

Alaska Bypass is no longer priced by zone therefore, the Postal Service is removing all references to zone pricing.

2026 Promotions

The Postal Service will offer a 2026 Promotions Calendar with opportunities for mailers to receive a postage discount by applying treatments or integrating technology in their mail campaigns. Additionally, the Postal Service will offer a new “Catalog Insights” incentive which will provide a 10 percent discount for mailers who mail qualifying catalogs. Qualifying USPS Marketing Mail Letters, Flats, and Parcels will be eligible for the discount, which will run from October 1, 2025 through June 30, 2026.

Mail Growth Incentives Continuation in Calendar Year 2026

The Postal Service will continue both the “First-Class Mail Growth Incentive”

and the “Marketing Mail Growth Incentive” for calendar year 2026 and beyond.

Marriage Mail Incentive Extension to High Density Plus Letters and Flats

The Postal Service will extend the marriage mail incentive to High Density Plus USPS Marketing Mail letters and flats that meet the incentive requirements.

These revisions will provide consistency within postal products and add value for customers.

Market Dominant comments on Proposed changes and USPS responses.

The Postal Service received two formal comments on the May 2025 proposed rule (90 FR 18730–18758).

- *Comment:* Both commenters requested changes to the 50 piece minimums for First Class Mail flats in trays.

Response: The Postal Service has revised the minimum to reflect “full flat tray or 50 pieces”, whichever comes first.

- *Comment:* One commenter objected to the elimination of the DNDC entry discount and requests that a DRPDC discount be established.

Response: The Postal Service will take this suggestion into consideration for future initiatives

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*.

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, the Postal Service amends Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations as follows (see 39 CFR 111.1):

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Letters, Cards, Flats, and Parcels**201 Physical Standards**

* * * * *

4.0 Physical Standards for Flats

* * * * *

Exhibit 4.7b Pricing for Flats Exceeding Maximum Deflection

(see 4.6)

* * * * *

USPS MARKETING MAIL

Eligibility as presented

Eligibility with failed deflection

* * * * *

[Revise the entries beginning with “Nonautomation flat . . .” to read as follows:]

Nonautomation flat (all sort levels with no entry discount)

Nonautomation flat (all sort levels entered at DSCF)

Nonautomation MADC or None flat

Nonautomation MADC flat

[Add an entry at the end of the “USPS Marketing Mail” section to read as follows:]

Nonbarcoded nonpresorted flat

Price as claimed, if otherwise eligible

* * * * *

8.0 Additional Physical Standards by Class of Mail

* * * * *

8.4 USPS Marketing Mail Parcels

* * * * *

8.4.2 Size

USPS Marketing Mail parcel dimensions and characteristics must be as follows: * * *

* * * * *

[Revise the introductory text of item b to read as follows:]

b. Nonprofit Machinable priced parcel and Nonprofit Nonstandard priced parcel dimensions are as follows:

[Revise the text of items b1 and b2 to read as follows:]

1. A Nonprofit Machinable priced parcel and Nonprofit Nonstandard priced parcel must be large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on the address side of the parcel.

2. A Nonprofit Machinable priced parcel and Nonprofit Nonstandard priced parcel must not exceed 22 inches

in length, 18 inches in width, or 15 inches in height.

* * * * *

202 Elements on the Face of a Mailpiece

* * * * *

2.0 Address Placement

* * * * *

2.2 Flats**2.2.1 Basic Standards**

[Revise the first sentence of 2.2.1 to read as follows:]

On all Periodicals, USPS Marketing Mail, and Bound Printed Matter flats mailed at presorted, automation, or carrier route prices, mailers must place the delivery address at least ⅛ inch from any edge of the mailpiece. * * *

2.2.2 Address Placement on Enveloped or Polywrapped Pieces

[Revise the introductory paragraph of 2.2.2 to read as follows:]

The following standards apply to enveloped, polywrapped, or card-type Periodicals (including shrinkwrapped Firm bundles), USPS Marketing Mail, and Bound Printed Matter flat-size pieces mailed at presorted, automation, or carrier route prices (for examples, see Customer Support Ruling PS-352.):

* * *

* * * * *

2.2.3 Address Placement on Bound or Folded Pieces

[Revise the introductory paragraph of 2.2.3 to read as follows:]

The following standards apply to bound or folded (see 2.2.2 for all card-type pieces), Periodicals, USPS Marketing Mail, and Bound Printed Matter flat-size pieces mailed at presorted, automation, or carrier route prices not in envelopes or polywrap (for examples, see Customer Support Ruling PS-352.): * * *

* * * * *

2.2.4 Type Size and Line Spacing

[Revise the first sentence of the introductory paragraph of 2.2.4 to read as follows:]

On all First-Class Mail, Periodicals, USPS Marketing Mail, and Bound Printed Matter flat-size pieces mailed at presorted, automation, or carrier route prices, mailers must print the delivery address using at least 8-point type (each character must be at least 0.080 inch high). * * *

* * * * *

3.0 Placement and Content of Mail Markings

* * * * *

3.7 Parcel Select, Bound Printed Matter, Media Mail, and Library Mail Markings

* * * * *

[Delete 3.7.6 in its entirety:]

* * * * *

203 Basic Postage Statement, Documentation, and Preparation Standards

* * * * *

3.0 Standardized Documentation for First-Class Mail, Periodicals, USPS Marketing Mail, and Flat-Size Bound Printed Matter

* * * * *

3.2 Format and Content

For First-Class Mail, Periodicals, USPS Marketing Mail, and Bound Printed Matter, standardized documentation includes: * * *

d. For bundles on pallets, list these required elements: * * *

[Revise the second sentence of item (d4) to read as follows:]

4. * * * Document sectional center facility/local processing center (SCF/LPC) or area distribution center/regional processing and distribution center (ADC) pallets created as a result of bundle reallocation under 705.8.11, 705.8.12, or 705.8.13 by designating the protected pallet with an identifier of “PSCF” (for an SCF/LPC pallet) or “PADC” (for an ADC pallet). * * *

* * * * *

3.3 Price Level Column Headings

* * * * *

b. Presorted First-Class Mail, barcoded and nonbarcoded Periodicals flats, nonbarcoded Periodicals letters, and machinable, nonmachinable and nonstandard USPS Marketing Mail:

PRICE ABBREVIATION

* * * * *

[Revise the entry beginning with “Mixed NDC to read as follows:]

Mixed [USPS Marketing Mail Nonprofit machinable priced parcels and Marketing Parcels 3.5 ounces and over]

MXD

* * * * *

3.4 Sortation Level

The sortation level (or corresponding abbreviation) is used for the bundle, tray, sack, or pallet levels required under 3.2 and shown below:

SORTATION LEVEL ABBREVIATION

* * * * *

[Revise the entry “NDC” to read as follows:]

NDC (USPS Marketing Parcels only)

NDC

[Revise the entry “ASF” to read as follows:]

ASF (USPS Marketing Parcels only)
ASF

[Delete the entry beginning with “NDC [pallets . . .]” in its’ entirety]

[Revise the entry beginning with “Mixed NDC . . .” to read as follows:]

Mixed [working] MXD

* * * * *

3.7 Bundle and Container Reports for Outside-County Periodicals Mail

* * * * *

3.7.2 Outside-County Container Report

The container report must contain, at a minimum, the following elements:

* * * * *

d. Container entry level (origin, destination delivery unit/sorting and delivery center [DDU/S&DC], destination sectional center facility/local processing center [DSCF/LPC] (letters/flats), destination sectional center facility/regional processing and distribution center [DSCF/RPDC] (parcels), or destination area distribution center/destination sectional center facility [DADC/DSCF].

* * * * *

4.0 Bundles

* * * * *

4.10 Additional Standards for Unsacked/Untrayed Bundles Entered at DDU/S&DC Facilities

* * * * *

[Revise item (b) to read as follows:]

b. Mailers must enter bundles at DDUs/SDCs according to the appropriate deposit and entry standards (e.g., 207.23.4.2 for Periodicals, 246.5.0 for USPS Marketing Mail flats).

* * * * *

5.0 Letter and Flat Trays

* * * * *

5.7 Preparation for First-Class Mail Flats in EMM Letter Trays

Mailers may prepare First-Class Mail flat-size pieces in EMM letter trays instead of flat trays if the following standards are met: * * *

[Revise item (c) to read as follows:]

All mail must be prepared under 235.8.0, and must not be prepared in bundles.

* * * * *

7.0 Optional Endorsement Lines (OELs)

* * * * *

7.2 OEL Format

* * * * *

Exhibit 7.2.5 OEL Labeling Lists

PROCESSING CATEGORY AND

PRESORT TYPE

ADC/AADC

MIXED ADC/MIXED AADC

* * * * *

Periodicals¹

[Remove the superscript⁽²⁾ from all applicable entries:]

* * * * *

USPS Marketing Mail¹

[Remove the superscript⁽²⁾ from all applicable entries:]

* * * * *

Bound Printed Matter¹

[Remove the superscript⁽²⁾ from all applicable entries:]

[Delete sections titled “Media Mail” and “Library Mail” in its’ entirety]

* * * * *

[Delete footnote (2) in its entirety:]

* * * * *

204 Barcode Standards

* * * * *

3.0 Standards for Barcoded Tray Labels, Sack Labels, and Container Labels

* * * * *

3.2 Specifications for Barcoded Tray and Sack Labels

* * * * *

Exhibit 3.2.1 Required Barcoded Tray and Sack Labels

PRICE OR TYPE

First-Class Mail

PROCESSING CATEGORY

First-Class Mail

* * * * *

[Delete the entry beginning with “Cobundled. . . .” in its’ entirety:]

* * * * *

Exhibit 3.2.4 3-Digit Content Identifier Numbers

CLASS AND MAILING CIN

HUMAN-READABLE CONTENT LINE

* * * * *

First-Class Mail

* * * * *

FCM Flats—Automation

[Add a new entry to read as follows:]

5-digit scheme trays 271 FCM FLTS 5D SCH
BC

* * * * *

[Delete the section titled “FCM Flats—Co-trayed Automation and Presorted” in its’ entirety:]

* * * * *

USPS MARKETING MAIL

ECR Letters—Barcoded

[Delete item beginning with “basic price. . . .” in its’ entirety]

* * * * *

[Delete the sections beginning with “Media Mail and Library Mail . . .” in their entirety:]

* * * * *

207 Periodicals

* * * * *

14.0 Barcoded (Automation) Eligibility

* * * * *

14.2 Eligibility Standards for Full-Service Automation Periodicals

All pieces entered under the full-service automation option must:

* * * * *

[Revise item (c) to read as follows:]

c. Be scheduled for an appointment through the Facility Access and Shipment Tracking (FAST) system when deposited as a DADC or DSCF drop shipment.

* * * * *

29.0 Destination Entry

* * * * *

[Delete 29.2 in its’ entirety; renumber 29.3 through 29.5 as 29.2 through 29.4 respectively:]

* * * * *

230 Commercial Mail First-Class Mail

233 Prices and Eligibility

[Revise the title of 233.4.0 to read as follows:]

4.0 Additional Eligibility Standards for Nonautomation First-Class Mail

* * * * *

4.3 Price Application—Nonautomation Machinable—Letters

* * * * *

[Add a new 4.3.2 to read as follows; renumber the current 4.3.2 as 4.3.3:]

4.3.2 AADC First Class Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to AADC-eligible First Class Mail letter-shaped pieces that are palletized under 705.8.10.1b to 705.8.10.1d.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier

Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

[Newly renumbered 4.3.3]

4.3.3 Mixed AADC Price

The mixed AADC price applies to qualifying letter-size machinable pieces that the mailer prepares in mixed AADC trays, except for pieces placed in mixed AADC trays in lieu of overflow AADC trays (see 235.5.2.2).

* * * * *

4.5 Nonautomation Nonmachinable Price Application—Letters

* * * * *

[Add a new 4.5.2 to read as follows; renumber the current 4.5.2 as 4.5.3:]

4.5.2 5-Digit First Class Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 5-digit-eligible First-Class Mail letter-shaped pieces that are palletized under 705.8.10.1a to 705.8.10c and 705.8.10.1e.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

[Newly renumbered 4.5.3:]

4.5.3 3-Digit Price

The 3-digit price applies to letter-size mail in quantities of 150 or more pieces for a 3-digit ZIP Code prepared in 3-digit trays (overflow pieces in MADC trays and 10 or more pieces bundled in 3-digit origin/entry trays).

[Add a new 4.5.4 to read as follows; renumber the current 4.5.4 as 4.5.5:]

4.5.4 3-Digit First Class Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF pallet discount applies to 3-digit-eligible First-Class Mail letter-shaped pieces that are palletized under 705.8.10.1b, 705.8.10.1c or 705.8.10.1e.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier

Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

[Newly renumbered 4.5.5:]

4.5.5 Mixed ADC Price

The mixed ADC price applies to letter-size pieces that are subject to nonmachinable prices and prepared in mixed ADC trays.

[Add a new 4.6 to read as follows:]

4.6 Price Application—Nonautomation Cards and Flats—Presorted

Nonautomation cards and flats are subject to presorted and single-piece prices only.

[Add a new 4.6.1 to read as follows:]

4.6.1 Presorted First-Class Mail Cards and Flat-Shaped Pieces SCF Pallet Discount Eligibility

The SCF pallet discount applies to presorted eligible First-Class Mail cards and flat-shaped pieces that are palletized under 705.8.10.1a to 705.8.10c and 705.8.10.1e (for flats) and 705.8.10.1d (for cards).

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

* * * * *

5.0 Additional Eligibility Standards for Automation First-Class Mail

5.1 Basic Standards for Automation First-Class Mail

All pieces in a First-Class Mail automation mailing must: * * *

[Revise item (f) to read as follows:]

f. Be marked, sorted, and documented as specified in 235.6.0, for letters and cards, or 235.8.0 for flats.

* * * * *

5.4 Price Application—Automation Cards and Letters

* * * * *

[Add new entries 5.4.1 and 5.4.2 to read as follows:]

5.4.1 5-Digit First Class Mail Cards and Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 5-digit-eligible First-Class Mail cards and letter-shaped pieces that are palletized under 705.8.10.1a to 705.8.10.1d.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

5.4.2 AADC First Class Mail Cards and Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to AADC-eligible First Class Mail cards and letter-shaped pieces that are palletized under 705.8.10.1b to 705.8.10.1d.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

- Local
- Surface
- Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

[Delete 5.5 in its' entirety; renumber 5.6 and 5.7 as 5.5 and 5.6 respectively:]

[Revise newly renumbered 5.5 to read as follows:]

5.5 Price Application—Flats

Automation prices apply to each piece that is sorted under 235.8.6, into the corresponding qualifying groups:

a. Groups of 50 or more pieces and all pieces in a full 5-digit/scheme tray qualify for the 5-digit price. Preparation to qualify for the 5-digit price is optional and need not be done for all 5-digit destinations.

b. Groups of 50 or more pieces and all pieces in a full 3-digit tray qualify for the 3-digit price. Preparation to qualify for the 3-digit price is optional and need not be done for all 3-digit destinations.

c. Groups of fewer than 50 pieces in origin 3-digit trays and all pieces in ADC trays qualify for the ADC price. Preparation to qualify for the ADC price is optional and need not be done for all ADC destinations.

d. All pieces in mixed ADC trays qualify for the mixed ADC price.

[Add new entries 5.5.1 through 5.5.3 to read as follows:]

5.5.1 5-Digit First-Class Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 5-digit-eligible First-Class Mail flat-shaped pieces that are palletized under 705.8.10.1a to 705.8.10c and 705.8.10.1e.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

—Local
—Surface
—Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

5.5.2 3-Digit First-Class Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 3-digit-eligible First Class Mail flat-shaped pieces that are palletized under 705.8.10.1b, 705.8.10.1c and 705.8.10.1e.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

—Local
—Surface
—Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

5.5.3 ADC First-Class Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to ADC-eligible First-Class Mail flat-shaped pieces that are palletized under 705.8.10.1b, 705.8.10.1c, and 705.8.10.1e.

Note: The SCF pallet discount also applies to pieces that are palletized according to a Customer/Supplier Agreement (CSA) with the following processing codes:

—Local
—Surface
—Air

* Containers with processing codes for Mixed Air, Mixed Surface, Working, and Single-Piece do not qualify for the SCF pallet discount.

* * * * *

235 Mail Preparation

* * * * *

1.0 General Definition of Terms

* * * * *

1.2 Definition of Mailings

Mailings are defined as: * * *
[Revise the introductory paragraph of 1.2(b) to read as follows:]

b. The types of First-Class Mail listed below must not be part of the same mailing despite being in the same processing category: * * *
* * * * *

1.3.2 Flats

[Revise 1.3.2 to read as follows:]
Terms used for presort levels are defined as follows:

a. 5-digit: The delivery address on all pieces includes the same 5-digit ZIP Code.

b. 5-digit scheme (trays) for automation flats: the ZIP Code in the delivery address on all pieces is one of the 5-digit ZIP Code areas processed by the USPS as one scheme, as shown in labeling list L012.

c. 3-digit: The ZIP Code in the delivery address on all pieces begins with the same three digits (see L002, Column A).

d. Origin/optional entry 3-digit(s): The ZIP Code in the delivery address on all pieces begins with one of the 3-digit prefixes processed at the sectional center facility (SCF)/local processing center (LPC) in whose service area the mail is verified or entered. Subject to standard, a separation is required for each such 3-digit area regardless of the mail volume.

e. ADC: All pieces are addressed for delivery in the service area of the same area distribution center (ADC) (see L004).

f. Mixed ADC: The pieces are for delivery in the service area of more than one ADC.

1.4 Preparation Definitions and Instructions

For purposes of preparing mail:

* * * * *

[Revise the first sentence of item (e) to read as follows:]

e. A 5-digit scheme sort for automation letters and flats yields 5-digit scheme trays for those 5-digit ZIP Codes identified in labeling list L012 and 5-digit trays for other areas.

* * * * *

[Delete item (o) in its' entirety:]

* * * * *

7.0 Preparation of Nonautomation Flats

* * * * *

7.3 Nonautomation Pieces

[Revise 7.3 to read as follows:]

Nonautomation flats must use the preparation sequence and tray labeling in 7.4. Bundling is not permitted.

[Delete 7.4 in its' entirety; renumber 7.5 and 7.6 as 7.4 and 7.5 respectively:]
[Newly renumbered 7.4:]

7.4 Traying and Labeling

[Revise newly renumbered 7.4 to read as follows:]

Preparation sequence, tray size, and labeling:

a. 5-digit (optional), full tray or 50 piece minimum; (no overflow); labeling:

1. Line 1: city, state, and 5-digit ZIP Code on mail (see 203.5.11 for overseas military mail).

2. Line 2: "FCM FLTS 5D NON BC."

b. 3-digit (optional); full tray or 50 piece minimum; (no overflow), except for one less-than-full tray for each origin 3-digit(s); labeling:

1. Line 1: L002, Column A.

2. Line 2: "FCM FLTS 3D NON BC."

c. ADC (optional); full tray or 50 piece minimum (no overflow); labeling:

1. Line 1: L004, Column B.

2. Line 2: "FCM FLTS ADC NON BC."

d. Mixed ADC (required); no

minimum; labeling:

1. Line 1: Use L201; for mail originating in ZIP Code areas in Column A, use "MXD" followed by city, state, and 3-digit ZIP Code prefix in Column C (use "MXD" instead of "OMX" in the destination line and ignore Column B).

2. Line 2: "FCM FLTS NON BC

WKG."

[Newly renumbered 7.5:]

[Delete 7.5 in its' entirety:]

* * * * *

8.0 Preparation of Automation Flats

* * * * *

8.4 General Preparation

[Revise 8.4 to read as follows:]

Automation flats must use the preparation sequence and tray labeling in 8.5. Bundling is not permitted.

[Delete section 8.5 in its' entirety; renumber 8.6 through 8.8 as 8.5 through 8.7:]

[Newly renumbered 8.5:]

8.5 Traying and Labeling:

[Revise newly renumbered 8.5 to read as follows:]

Tray size, preparation sequence, and Line 1 labeling:

a. 5-digit/scheme: optional, but required for 5-digit price (full tray or 50-piece minimum); one less-than-full or overflow tray allowed; see 8.6 for scheme; labeling:

1. Line 1: city, state, and 5-digit ZIP Code on mail (see 204.3.0, for overseas military mail).

2. Line 2: "FCM FLTS 5D BC" or "FCM FLTS BC 5D SCHEME"

b. 3-digit: optional (full tray or 50-piece minimum); one less-than-full or overflow tray allowed; labeling:

1. Line 1: L002, Column A.
2. Line 2: "FCM FLTS 3D BC."

c. Origin 3-digit: required for each 3-digit ZIP Code served by the SCF/LPC of the origin (verification) office; no minimum; labeling:

1. Line 1: L002, Column A.
2. Line 2: "FCM FLTS 3D BC."

d. ADC: optional (full tray or 50-piece minimum); one less-than-full or overflow tray allowed; group pieces by 3-digit ZIP Code prefix; labeling:

1. Line 1: L004, Column B.
2. Line 2: "FCM FLTS ADC BC."

Exception: Pieces are not required to be grouped by 3-digit ZIP Code prefix in ADC trays if the mailing is prepared using an MLOCR/barcode sorter, and standardized documentation is submitted.

e. Mixed ADC (required); no minimum for price eligibility. Group pieces by ADC. labeling:

1. Line 1: Use L201; for mail originating in ZIP Code areas in Column A, use "MXD" followed by city, state, and 3-digit ZIP Code prefix in Column C. (Use "MXD" instead of "OMX" in the destination line and ignore Column B).
2. Line 2: "FCM FLTS BC WKG."

Mailers using a MLOCR/barcode sorter and submitting standardized documentation need not group pieces by ADC.

* * * * *

[Newly renumbered 8.6]

[Revise newly renumbered 8.6 to read as follows:]

8.6 5-Digit Scheme Tray Preparation

Pieces meeting the automation-compatibility criteria in 201.4.0, may be prepared in 5-digit scheme trays for those 5-digit ZIP Code combinations identified in L007. These trays must meet the additional standards in 1.4e.

[Newly renumbered 8.7]

[Delete 8.7 in its' entirety:]

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

* * * * *

3.0 Basic Eligibility Standards for USPS Marketing Mail

* * * * *

3.2 Defining Characteristics

3.2.1 Mailpiece Weight

* * * * *

[Revise the first sentence of item (b) to read as follows:]

b. Pieces mailed at automation carrier route (saturation, high density, and high

density plus) letter prices may weigh up to 3.5 ounces. * * *

* * * * *

4.0 Price Eligibility for USPS Marketing Mail

* * * * *

4.2 Minimum Per Piece Prices

The minimum per piece prices (the minimum postage that must be paid for each piece) apply as follows: * * *

c. Individual prices. The following apply: * * *

[Delete item c(2) in its' entirety; renumber items c(3) through c(6) as c(2) through c(5) respectively:]

[Revise renumbered item 2 to read as follows:]

2. Except for Customized MarketMail pieces, discounted per-piece prices also may be claimed for destination sectional center facility (DSCF) and destination delivery unit (DDU) under 246.

* * * * *

5.0 Additional Eligibility Standards for Nonautomation USPS Marketing Mail Letters, Flats, and Presorted USPS Marketing Mail Parcels

* * * * *

5.4 Machinable Price Application—Letters

* * * * *

5.4.3 AADC USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 5.4.3 to read as follows:]

The SCF-pallet discount applies to AADC-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

5.5 Nonmachinable Price Application—Letters

* * * * *

5.5.3 5-Digit USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

* * * * *

[Revise the text of 5.5.3 to read as follows:]

The SCF-pallet discount applies to 5-digit-eligible pieces that are palletized under 705.8.10.3a to 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

5.5.5 3-Digit USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise the text of 5.5.5 to read as follows:]

The SCF pallet discount applies to 3-digit-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF entry.

* * * * *

5.5.7 ADC USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise the text of 5.5.7 to read as follows:]

The SCF-pallet discount applies to ADC-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

5.6 Nonautomation Price Application—Flats

* * * * *

5.6.2 5-Digit USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

* * * * *

[Revise the text of 5.6.2 to read as follows:]

The SCF-pallet discount applies to 5-digit-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3d, 705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

5.6.4 3-Digit USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise the text of 5.6.4 to read as follows:]

The SCF-pallet discount applies to 3-digit-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

5.6.6 ADC USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise the text of 5.6.6 to read as follows:]

The SCF-pallet discount applies to ADC-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

5.6.7 Mixed ADC Prices for Flats

[Revise the text of 5.6.7 to read as follows:]

Mixed ADC prices apply to flat-size pieces in bundles that do not qualify for 5-digit, 3-digit, or ADC prices; placed in mixed ADC flat trays or on mixed pallets under 705.8.0.

5.7 Prices for Machinable Parcels

5.7.1 5-Digit Price

[Revise the introductory text of 5.7.1 to read as follows:]

The 5-digit price applies to qualifying machinable parcels that are dropshipped to a DSCF/RPDC or DDU/S&DC and presented: * * *

[Delete item (d) in its entirety:]

5.7.2 NDC Price

[Revise the text of 5.7.2 to read as follows:]

The NDC price applies to qualifying machinable parcels presented at the origin acceptance office on an ASF/NDC/RPDC pallet containing at least 200 pounds of pieces.

[Revise the title of 5.7.3 to read as follows:]

5.7.3 Mixed Price

[Revise the text of 5.7.3 to read as follows:]

The mixed price applies to machinable parcels that are not eligible for 5-digit or NDC prices. Machinable parcels at mixed prices must be placed in mixed sacks or on mixed pallets. See 245.11.3 and 705.8.10.

[Revise the title of 5.8 to read as follows:]

5.8 Prices for Nonstandard Parcels and Marketing Parcels

5.8.1 5-Digit Price

[Revise the introductory paragraph of 5.8.1 to read as follows:]

Five-digit prices apply to nonstandard parcels and to Marketing parcels that are dropshipped to DSCF/DRPDC or DDU or DSDC and presented: * * *

* * * * *

5.8.2 SCF Price

[Revise the text of 5.8.2 to read as follows:]

SCF prices apply to nonstandard parcels and Marketing Parcels as follows under either of the following conditions:

- When dropshipped to a DSCF/RPDC and presented:
 - In an SCF/RPDC sack containing at least 10 pounds of parcels.
 - On an SCF/RPDC pallet, according to 705.8.10.

- In SCF/RPDC containers prepared under 705.21.0.

- When presented at the origin acceptance office on an SCF/RPDC pallet containing at least 200 pounds of pieces.

5.8.3 NDC Price

[Revise 5.8.3 to read as follows:]

NDC prices apply to nonstandard parcels and to Marketing Parcels when presented at the origin acceptance office on a NDC pallet containing at least 200 pounds of pieces.

[Revise the title of 5.8.4 to read as follows:]

5.8.4 Mixed Price

[Revise 5.8.4 to read as follows:]

Mixed prices apply to nonstandard parcels and to Marketing Parcels in origin NDC/RPDC or Mixed containers that are not eligible for 5-digit, SCF, or NDC prices. Parcels at Mixed prices must be placed in origin NDC/RPDC or mixed sacks under 245.11.4.3 or on origin NDC/RPDC or Mixed pallets under 705.8.10.

* * * * *

6.0 Additional Eligibility Standards for Enhanced Carrier Route USPS Marketing Mail Letters and Flats

* * * * *

6.3 Basic Price Enhanced Carrier Route Standards

* * * * *

6.3.3 Basic Carrier Route USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.3.3 to read as follows:]

The SCF-pallet discount applies to Basic Carrier Route-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3a to 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

6.3.5 Basic Carrier Route Bundles on a 5-Digit/Direct Container (Basic-CR Bundles/Container) Price Eligibility—Flats

[Revise 6.3.5 to read as follows:]

The Basic-CR Bundles/Container discount applies to each piece in a carrier route bundle of 10 or more pieces that are palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0 on a 5-digit merged, 5-digit (scheme) merged, 5-digit carrier route or 5-digit scheme carrier route pallet entered at an Origin (None), DSCF, or DDU entry or in a carrier route sack or flat tray under 245.9.7a or 203.5.8 and entered at the DDU.

6.3.6 Basic Carrier Route USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.3.6 to read as follows:]

The SCF-pallet discount applies to Basic Carrier Route-eligible USPS

Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3d, 705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

6.4 High Density and High Density Plus (Enhanced Carrier Route) Standards—Letters

* * * * *

6.4.3 High Density and High Density Plus USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.4.3 to read as follows:]

The SCF-pallet discount applies to High Density- and High Density Plus-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3a to 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

6.5 High Density and High Density Plus (Enhanced Carrier Route) Standards—Flats

* * * * *

6.5.3 High Density Carrier-Route Bundles on a 5-Digit/Direct Container (High Density-CR Bundles/Container Discount Eligibility)—Flats

[Revise 6.5.3 to read as follows:]

The High Density-CR Bundles/Container discount applies to 125 or more High Density-eligible pieces that are palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0 on the following type of pallet entered at an Origin (None), DSCF/LPC, or DDU/S&DC entry, or placed in a carrier-route sack or flat tray under 245.9.7a or 203.5.8 and entered at the DDU/S&DC:

* * * * *

6.5.4 High Density Plus Carrier-Route Bundles on a 5-Digit/Direct Container (High Density Plus-CR Bundles/Container Discount Eligibility)—Flats

[Revise 6.5.4 to read as follows:]

The High Density Plus-CR Bundles/Container discount applies to 300 or more High Density Plus-eligible pieces that are palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0 on the following type of pallet entered at an Origin (None), DSCF/LPC, or DDU/S&DC entry, or in a carrier-route sack or tub, under 245.9.7a or 203.5.8, and entered at the DDU/S&DC:

* * * * *

6.5.5 High Density USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.5.5 to read as follows:]

The SCF-pallet discount applies to 125 or more High Density-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3d,

705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

6.5.6 High Density Plus USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.5.6 to read as follows:]

The SCF-pallet discount applies to 300 or more High Density Plus-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3d, 705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

6.6 Saturation ECR Standards—Letters

* * * * *

6.6.3 Saturation USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.6.3 to read as follows:]

The SCF-pallet discount applies to at least 90 percent or more of the total number of active residential addresses, or 75 percent or more of the total number of active possible delivery addresses, on each carrier route that are palletized under 705.8.10.3a to 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

6.7 Saturation Enhanced Carrier Route Standards—Flats

* * * * *

6.7.3 Saturation—including EDDM) Carrier-Route Bundles on a 5-Digit/ Direct Container (Saturation-CR Bundles/Container Discount Eligibility)—Flats

[Revise 6.7.3 to read as follows:]

The Saturation-CR Bundles/Container discount applies to at least 90 percent or more of the total number of active residential addresses or 75 percent or more of the total number of active possible delivery addresses on each carrier route that is palletized under 705.8.0, 705.10.0, 705.12.0, or 705.13.0 on the following type of pallet entered at an Origin (None), DSCF/LPC, or DDU/S&DC entry, or in a carrier-route sack or tub under 245.9.7a or 203.5.8 and entered at the DDU/S&DC:

* * * * *

6.7.4 Saturation USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

[Revise 6.7.4 to read as follows:]

The SCF-pallet discount applies to at least 90 percent or more of the total number of active residential addresses, or 75 percent or more of the total number of active possible delivery addresses, on each carrier route that are palletized under 705.8.10.3d,

705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

7.0 Eligibility Standards for Automation USPS Marketing Mail

* * * * *

7.2 Eligibility Standards for Full-Service Automation USPS Marketing Mail

All pieces entered under the full-service Intelligent Mail automation option must:

* * * * *

[Revise 7.2(c) to read as follows:]

c. Be scheduled for an appointment through the Facility Access and Shipment Tracking (FAST) system when deposited as a DSCF drop shipment.

[Revise section 7.3 to read as follows:]

7.3 Maximum Weight for Automation Letters

Maximum weight limit for automation price letters is 3.5 ounces (0.2188 pound). See 201.3.6, for pieces heavier than 3 ounces.

* * * * *

[Revise section 7.4 to read as follows:]

7.4 Price Application for Automation Letters

7.4.1 General

Automation prices apply to each piece that is sorted under 245.10.0, into the corresponding qualifying groups:

a. Groups of 150 or more pieces in 5-digit/scheme trays qualify for the 5-digit price. Preparation to qualify for that price is optional. Pieces placed in full AADC trays under 245.7.5 in lieu of 5-digit/scheme overflow trays are eligible for 5-digit prices (see 245.7.5.)

b. Groups of fewer than 150 pieces in origin/entry AADC trays qualify for the AADC price. Pieces placed in mixed AADC trays under 245.7.5 in lieu of AADC overflow trays also are eligible for AADC prices (see 245.7.5).

c. Pieces in mixed AADC trays qualify for the mixed AADC price, except for pieces prepared under 7.4b.

7.4.2 5-Digit USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 5-digit-eligible USPS Marketing Mail letter-shaped pieces that are palletized under 705.8.10.3a to 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

7.4.3 AADC USPS Marketing Mail Letter-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to AADC-eligible USPS Marketing Mail

letter-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

[Revise section 7.5 to read as follows:]

7.5 Price Application for Automation Flats

7.5.1 General

Automation prices apply to each piece properly sorted into qualifying groups:

a. The 5-digit price applies to flat-size pieces in a 5-digit/scheme bundle or 15 or more pieces, as applicable.

b. The 3-digit price applies to flat-size pieces in a 3-digit/scheme bundle.

c. The ADC price applies to flat-size pieces in an ADC bundle of 10 or more pieces.

d. The mixed ADC price applies to flat-size pieces in mixed ADC bundles (no minimum).

7.5.2 5-Digit USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 5-digit-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3d, 705.8.10.3e, and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

7.5.3 3-Digit USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to 3-digit-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

7.5.4 ADC USPS Marketing Mail Flat-Shaped Pieces SCF-Pallet Discount Eligibility

The SCF-pallet discount applies to ADC-eligible USPS Marketing Mail flat-shaped pieces that are palletized under 705.8.10.3e and 705.8.10.3f and entered at Origin (None) or DSCF/LPC entry.

* * * * *

245 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

1.3 Terms for Presort Levels

1.3.1 Letters

Terms used for presort levels are defined as follows: * * *

[Delete item (j) in its' entirety; renumber items (k) and (l) as (j) and (k) respectively:]

* * * * *

1.3.2 Flats

Terms used for presort levels are defined as follows: * * *

[Delete item (o) in its entirety; renumber items (p) and (q) as (o) and (p) respectively:]

* * * * *

1.4 Preparation Definitions and Instructions

For purposes of preparing mail: * * *

[Revise item (u) to read as follows:]

u. Entry *[facility]* (or *origin [facility]*) refers to the USPS mail processing facility (e.g., “entry SCF”) that serves the Post Office at which the mail is entered by the mailer. If the Post Office where the mail is entered is not the one serving the mailer’s location (e.g., for plant-verified drop shipment), the Post Office of entry determines the *entry facility*. *Entry SCF/LPC (letter and flats) and Entry SCF/RPDC (parcels)* includes both single-3-digit and multi-3-digit SCFs.

* * * * *

5.0 Preparing Nonautomation Letters

* * * * *

5.3 Machinable Preparation

* * * * *

5.3.2 Traying and Labeling

* * * * *

c. Mixed AADC (required); no minimum; labeling:

[Revise item c(1) to read as follows:]

1. Line 1: L009, Column B. * * *

* * * * *

5.4 Nonmachinable Preparation

* * * * *

5.4.2 Traying and Labeling

* * * * *

d. Mixed ADC (required); no minimum; labeling:

[Revise item d(1) to read as follows:]

1. Line 1: L009, Column B. * * *

* * * * *

6.0 Preparing Enhanced Carrier Route Letters

* * * * *

6.3 Residual Pieces

[Revise 6.3 to read as follows:]

Pieces not sorted as a carrier route mailing must be prepared as a separate mailing at USPS Marketing Mail automation or Presorted prices or at the applicable single-piece First-Class Mail—Retail price.

* * * * *

6.7 Traying and Labeling for Automation-Compatible ECR Letters

* * * * *

a. Carrier route: required; full trays only, no overflow.

[Revise item a(2) to read as follows:]

2. Line 2: for saturation, “STD LTR BC WSS,” followed by route type and number; for high-density, “STD LTR BC WSH,” followed by route type and number.

* * * * *

7.0 Preparing Automation Letters

* * * * *

7.5 Tray Preparation

* * * * *

[Revise item (c) to read as follows:]

c. Mixed AADC: required (no minimum); group pieces by AADC when overflow pieces from AADC trays are placed in mixed AADC trays. For Line 1 labeling: use L011, Column B.

* * * * *

11.0 Preparing Presorted Parcels

* * * * *

11.3 Preparing Machinable Marketing Parcels (3.5 Ounces or More) and Nonprofit Machinable Priced Parcels**11.3.1 Sacking**

The following apply: * * *

[Revise item (b) to read as follows:]

b. Prepare 5-digit sacks only for parcels dropshipped to a DSCF/DSCF, or DDU or DS&DC.

[Revise item (c) to read as follows:]

c. Prepare ASF/RPDC or NDC/RPDC sacks only for parcels claiming NDC prices.

* * * * *

11.3.2 Sacking and Labeling

[Revise 11.3.2 to read as follows:]

Preparation sequence, sack size, and labeling:

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4n.; allowed only for mail deposited at a DSCF/RPDC or DDU/S&DC. Sacks must contain a 10-pound minimum except at DDU/S&DC entry, which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 203.5.11 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, “STD MACH 5D SCH.” For 5-digit sacks, “STD MACH 5D.”

b. ASF (optional), 10-pound minimum; labeling:

1. Line 1: L602, Column B.

2. Line 2: “STD MACH ASF.”

c. NDC, 10-pound minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: “STD MACH NDC.”

d. Origin NDC (required), no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: “STD MACH NDC.”

e. Mixed NDC (required); no minimum; labeling:

1. Line 1: Use “MXD” followed by L601, Column B information for facility serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: “STD MACH WKG.”

* * * * *

11.4 Preparing Nonstandard Marketing Parcels (Less Than 3.5 Ounces) and Nonprofit Nonstandard Priced Parcels

* * * * *

11.4.2 Sacking

The following apply: * * *

[Revise item (b) to read as follows:]

b. Prepare 5-digit sacks only for parcels dropshipped to a DSCF/RPDC or DDU or SDC.

* * * * *

11.4.3 Sacking and Labeling

[Revise 11.4.3 to read as follows:]

Preparation sequence, sack size, and labeling:

a. 5-digit/scheme (optional, but required for 5-digit price), see definition in 1.4n; allowed only for mail deposited at a DSCF/RPDC or DDU/S&DC. Sacks must contain a 10-pound minimum except at DDU/S&DC entry, which has no minimum; labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code destination on pieces (see 203.5.11 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, “STD NONSTD 5D SCH.” For 5-digit sacks, “STD NONSTD 5D.”

b. SCF, 10-pound minimum; labeling:

1. For Line 1, Use L002, Column C.

2. For Line 2, “STD NONSTD SCF.”

c. ASF (optional), 10-pound minimum; labeling:

1. Line 1: Use L602, Column B.

2. Line 2: “STD NONSTD ASF.”

d. NDC, 10-pound minimum; labeling:

1. Line 1: Use L601, Column B

information for the facility serving the 3-digit ZIP Code prefix of the entry Post Office..

2. Line 2: “STD NONSTD NDC.”

e. Origin NDC (required); no minimum; labeling:

1. Line 1: L601, Column B.

2. Line 2: “STD NONSTD NDC.”

f. Mixed NDC (required); no minimum; labeling:

1. Line 1: “MXD” followed by L601, Column B information for facility serving 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: “STD NONSTD WKG.”

* * * * *

246 Enter and Deposit

* * * * *

2.0 Destination Entry

* * * * *

2.6 Deposit

* * * * *

2.6.3 Appointments

Appointments must be made for destination entry-price mail as follows:

[Revise the first sentence of item (a) to read as follows:]

a. Except as provided under 2.6.3b, or for a local mailer and mailings of perishable commodities under 2.6.13, appointments for deposit of destination entry price mail at SCFs must be scheduled through the appropriate drop-shipment appointment control center at least one business day in advance. * * *

* * * * *

2.6.5 Adherence to Schedule

[Revise the second sentence of 2.6.5 to read as follows:]

* * * Destination facilities may refuse acceptance or deposit of unscheduled mailings or shipments that arrive more than 2 hours after the scheduled appointment at SCFs/LPCs or more than 20 minutes after the scheduled appointment at delivery units.

2.6.6 Redirection by USPS

[Revise 2.6.6 to read as follows:]

A mailer may be directed to transport destination entry-price mailings to a facility other than the designated DDU/S&DC, SCF/LPC (letters/flats), or SCF/RPDC (parcels) due to facility restrictions, building expansions, peak-season mail volumes, or emergency constraints.

* * * * *

2.6.9 Vehicle Unloading

Unloading of destination entry mailings is subject to these conditions:

[Revise items (a) and (b) to read as follows:]

a. Properly prepared containerized loads (e.g., pallets) are unloaded by USPS at SCFs/LPCs. The USPS does not unload or permit the mailer (or mailer's agent) to unload palletized loads that are unstable or severely leaning or that have otherwise not maintained their integrity in transit.

b. At SCFs/LPCs, the driver must unload bedloaded shipments within 8 hours of arrival. Combination containerized and bedloaded mailings are classified as bedloaded shipments

for unload times. The USPS may assist in unloading.

* * * * *

[Delete 3.0 in its entirety; renumber 4.0 and 5.0 as 3.0 and 4.0 respectively:]

* * * * *

260 Commercial Mail Bound Printed Matter**263 Prices and Eligibility**

* * * * *

4.0 Price Eligibility for Bound Printed Matter

* * * * *

4.2 Destination Entry Price Eligibility

[Revise the introductory paragraph of 4.2 to read as follows:]

BPM destination entry prices apply to BPM mailings prepared as specified in 705.8.0, 705.14.0 and 265, and addressed for delivery within the service area of a sectional center facility/local processing center or delivery unit where the mailer deposited them. For this standard, the following destination facility definitions apply:

[Delete item (a) in its entirety; renumber items (b) and (c) as (a) and (b) respectively:]

* * * * *

6.0 Additional Eligibility Standards for Full-Service Bound Printed Matter Flats

* * * * *

6.2 Eligibility Standards for Full-Service Automation Bound Printed Matter Flats

All pieces entered under the full-service Intelligent Mail automation option must: * * *

[Revise item (c) to read as follows:]

c. Be scheduled for an appointment through the Facility Access and Shipment Tracking (FAST) system when deposited as a DSCF dropshipment.

* * * * *

265 Mail Preparation**1.0 General Information for Mail Preparation**

* * * * *

1.4 Terms for Presort Levels

Terms used for presort levels are defined as follows: * * *

[Revise item (i) to read as follows:]

i. ADC: all pieces in the bundle, sack, or tray must destinate within the facility service area as specified in labeling lists (see L004).

[Delete item (j) in its entirety; renumber item (k) as item (j):]

j. *Mixed*: the pieces are for delivery in the service area of more than one facility.

1.5 Preparation Definitions and Instructions

For purposes of preparing mail: * * *

[Revise item (k) to read as follows:]

k. *Entry [facility]* (or *origin [facility]*) refers to the USPS mail-processing facility (e.g., "entry SCF") that serves the Post Office where the mailer entered the mail. If the Post Office where the mail is entered is not the one serving the mailer's location (e.g., for plant-verified drop shipment), the Post Office of entry determines the entry facility. Entry SCF/LPC (flats)/RPDC (parcels) includes both single-3-digit and multi-3-digit SCFs.

* * * * *

8.0 Preparing Presorted Parcels

* * * * *

8.2 Preparing Nonstandard Parcels

* * * * *

8.2.3 Sacking and Labeling

Preparation sequence and labeling:

* * *

e. *Mixed* ADC (required); labeling:

[Revise item (e1) to read as follows:]

1. Line 1: Use L009, Column B. * * *

* * * * *

[Revise the title of 8.3 to read as follows:]

8.3 Preparing Machinable Parcels**8.3.1 Required Sacking**

[Revise the second sentence of 8.3.1 to read as follows:]

* * * Smaller volumes are not permitted (except origin (mixed) sacks).

* * * * *

[Revise 8.3.2 to read as follows:]

8.3.2 Sacking and Labeling

Preparation sequence and labeling:

a. 5-digit/scheme (required); labeling:

1. Line 1: For 5-digit scheme sacks, use L606, Column B. For 5-digit sacks, use city, state, and 5-digit ZIP Code on mail (see 203.5.11 for overseas military mail).

2. Line 2: For 5-digit scheme sacks, "PSVC MACH 5D SCH." For 5-digit sacks, "PSVC MACH 5D."

b. *Mixed* (required); labeling:

1. Line 1: "MXD" followed by the L601, Column B, information for the facility serving the 3-digit ZIP Code prefix of entry Post Office.

2. Line 2: "PSVC MACH WKG."

[Delete 8.4 in its entirety:]

9.0 Preparing Carrier-Route Parcels**9.1 Basic Standards****9.1.1 General Standards for Carrier Route Preparation**

All mailings of carrier-route Bound Printed Matter (BPM) are subject to the standards in 9.2 through 9.4 and to these general standards: * * *

[Revise the last sentence of item (b) to read as follows:]

b. * * * Nonstandard parcels also are pieces that meet the size and weight standards for a machinable parcel but are not individually boxed or packaged to withstand processing on RPDC parcel sorters under 601.3.0 and 601.4.0.

* * * * *

266 Enter and Deposit

* * * * *

3.0 Destination Entry**3.1 General**

[Revise the first sentence of 3.1 to read as follows:]

Destination entry prices apply to Presorted and carrier-route Bound Printed Matter (BPM) that is deposited at a destination sectional center facility (DSCF)/local processing center (LPC) or destination delivery unit (DDU)/sorting and delivery center (S&DC) as specified below. * * *

* * * * *

3.3 Postage Payment and Mailing Fees

Postage payment for Bound Printed Matter destination price mailings is subject to the same standards that apply generally to Bound Printed Matter and to the following:

[Revise the second sentence of item (a) to read as follows:]

a. * * * Except for plant-verified drop shipments (see 705.17.0) and USPS Ship shipments (see 705.2.6); mailers must have a permit imprint authorization at the parent Post Office for mailings deposited for entry at a DSCF/LPC (flats)/RPDC (parcels) or a DDU/S&DC. * * *

* * * * *

3.8 Deposit

* * * * *

3.8.3 Appointments

Appointments must be made for destination entry price mail as follows:

[Revise the first sentence of item (a) to read as follows:]

a. Except as provided under 3.8.3b, or for a local mailer and mailings of perishable commodities under 3.8.12, appointments for deposit of destination entry-price mail at SCFs/LPCs must be scheduled through the appropriate

drop-shipment appointment control center at least one business day in advance. * * *

* * * * *

3.8.5 Adherence to Schedule

[Revise the last sentence of 3.8.5 to read as follows:]

* * * Destination facilities may refuse acceptance or deposit of unscheduled mailings or shipments that arrive more than 2 hours after the scheduled appointment at SCFs/LPCs or more than 20 minutes after the scheduled appointment at delivery units.

3.8.6 Redirection by USPS

[Revise the text of 3.8.6 to read as follows:]

A mailer may be directed to transport destination entry-price mailings to a facility other than the designated DDU/S&DC or SCF/LPC due to facility restrictions, building expansions, peak-season mail volumes, or emergency constraints.

* * * * *

3.8.9 Vehicle Unloading

Unloading of destination entry mailings is subject to these conditions:

[Revise the first sentence of item (a) to read as follows:]

a. Properly prepared containerized loads (e.g., pallets) are unloaded by the USPS at SCFs. * * *

[Delete item (b) in its entirety; renumber items (c) through (e) as (b) through (d) respectively:]

* * * * *

[Delete 4.0 in its entirety; renumber 5.0 and 6.0 as 4.0 and 5.0 respectively:]

270 Commercial Mail Media Mail and Library Mail**273 Prices and Eligibility**

* * * * *

1.0 Prices and Fees

* * * * *

[Revise 1.2 to read as follows]

1.2 Prices

Media Mail and Library Mail prices are based on the weight of the piece. See Notice 123—Price List for single-piece prices.

* * * * *

[Delete section 7.0 in its' entirety]

* * * * *

275 Mail Preparation

[Revise section 275 to read as follows:]

1.0 Preparation for Media Mail and Library Mail**1.1 Basic Preparation**

There are no presort, sacking, or labeling standards for single-piece Media Mail or Library Mail.

1.2 Delivery and Return Addresses

All Media Mail and all Library Mail must bear a delivery address that includes the correct ZIP Code or ZIP+4 code. Each piece must bear the sender's return address.

1.3 Basic Markings

The applicable basic required marking—"Media Mail" or "Library Mail"—must be printed on each piece in the postage area, or it may be printed on the shipping address label according to the standards in 102.3.4.

* * * * *

276 Enter and Deposit**Overview**

[Revise 1.0 to read as follows:]
1.0 Deposit for Media Mail and Library Mail

1.0 Deposit for Media Mail and Library Mail

Single-piece Media Mail and Library Mail with a permit imprint must be deposited at locations and times specified by the postmaster at the office that verifies and accepts the mailing. Metered mail may be deposited at other than the licensing Post Office only as permitted under 705.19.0.

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

602 Addressing

* * * * *

[Revise the Title of 4.0 to read as follows:]

4.0 Detached Address Labels (DALs)**4.1 General****4.1.1 Definition**

[Revise the text of 4.1.1 to read as follows:]

Detached address labels (DALs) in its' basic form (4.3.1 through 4.3.5) may be used by mailers as an optional method of printing addresses and postage indicia instead of printing addresses and postage on the items mailed. For these standards, "item" refers to the types of eligible mail described in 4.2.1 through 4.2.3.

4.1.2 Alternative Address Format

[Revise the text of 4.1.2 to read as follows:]

DALs may have alternative addressing formats under 3.0, subject to the applicable standards under 4.0

4.1.3 Ancillary Service Endorsements

[Revise the text of 4.1.3 to read as follows:]

Ancillary service endorsements are not permitted. A DAL that is undeliverable as addressed is handled under 507.1.1 through 507.1.9 for the applicable class of mail. The accompanying item is treated as specified by the mailer under 4.5.

4.1.4 Documentation

[Revise the text of 4.1.4 to read as follows:]

When requested by USPS, DAL mailers must provide documentation to establish that the applicable distribution standards in 4.2.1 through 4.2.3 are met.

4.1.5 Extra Services

[Revise the text of 4.1.5 to read as follows:]

Items mailed with DALs may not be combined with any extra service.

4.2 Eligible Mail

4.2.1 Periodicals or USPS Marketing Mail Flats Saturation Mailings

[Revise the text of 4.2.1 to read as follows:]

Saturation mailings of only unaddressed Periodicals (207.23.9.4) or USPS Marketing Mail (245.9.10.4) flats may be mailed with DALs, but DALs may not bear simplified addresses when used with USPS Marketing Mail flats. Saturation flat mailings presented with DALs that are not automation-compatible and correctly barcoded do not qualify for saturation prices. Instead, they may be entered at applicable basic carrier route prices. This standard (for automation-compatible barcoded DALs) does not apply to DALs with simplified addressing when correctly used with Periodicals flats.

4.2.2 Bound Printed Matter

Revise the text of 4.2.2 to read as follows:]

Unaddressed pieces of Bound Printed Matter may be mailed with DALs when:

a. The mail is prepared on 5-digit pallets meeting the standards in 705.8.0. (Exception: Separate 5-digit pallets of carrier route and Presorted price mail are not required for flat-size mail.) The destination delivery unit (DDU)/sorting and delivery center (S&DC) is determined using the Drop Shipment Product under the provisions for the DDU price in 266.3.0 through 266.6.0. The mail may not be prepared on pallets when the Drop Shipment Product indicates that the delivery unit that

serves the 5-digit pallet destination cannot handle pallets. For such delivery units, mail with DALs must be prepared in sacks. The trays or cartons of DALs must be prepared under 4.4, placed on the same pallet as the pieces, and must be stretch-wrapped together as one unit.

b. The mail is prepared in 5-digit sacks and entered at the destination delivery unit. The destination delivery unit is determined by using the Drop Shipment Product under the provisions for the DDU price in 266.3.0 through 266.6.0. DALs must be bundled under 4.4 and presented to the destination delivery unit with the accompanying items to be distributed with the DALs.

4.3 Label Preparation

4.3.1 Label Construction

[Revise the text of 4.3.1 to read as follows:]

Each DAL must be made of paper or cardboard stock that is not folded, perforated, or creased, and that meets these measurements:

- a. Between 3½ and 5 inches high (perpendicular to the address).
- b. Between 5 and 9 inches long (parallel to the address).
- c. At least 0.007 inch thick, except under 4.3.1d.
- d. If more than 4¼ inches high or more than 6 inches long, must be at least 0.009 inch thick.
- e. Must have an aspect ratio (length divided by height) from 1.3 to 2.5, inclusive.

4.3.2 Addressing

[Revise the text of 4.3.2 to read as follows:]

The address for each item must be placed on a DAL, parallel to the longest dimension of the DAL, and may not appear on the item it accompanies. The DAL must contain a delivery address and a return address. In addition, if DALs accompany saturation mailings of Periodicals or USPS Marketing Mail flats, a correct Intelligent Mail barcode with an 11-digit routing code must be printed on each DAL except when using a simplified address for Periodicals flats as allowed by standards.

[Revise 4.3.3 in its' entirety to read as follows:]

4.3.3 One DAL Per Item

Only one DAL may be prepared for each accompanying item, and only one item may be identified for delivery per DAL. (A single DAL may not be prepared to deliver one each of different accompanying items or multiples of the same item.)

4.3.4 Required Information

[Revise the text of 4.3.4 to read as follows:]

The following words must appear in bold type at least ⅛ inch high on the front of each DAL: "USPS regulations require that this address label be delivered with its accompanying postage-paid mail. If you should receive this label without its accompanying mail, please notify your local postmaster"; The title or brand name of the item (which may include an illustration of the item) must also appear on the front or back of the DAL to associate it with the accompanying item.

* * * * *

[Delete 4.3.6 in its' entirety:]

4.4 Mail Preparation

4.4.1 Notice to Delivery Office

[Revise the text of 4.4.1 to read as follows:]

Each delivery office to receive a DAL mailing must be notified in writing at least 10 days before the requested delivery period begins. To ensure that the delivery office can readily relate the notice to the cartons containing the corresponding items, a copy of that letter must be enclosed with the DALs unless the initial notice and the cartons used for the DALs and items each conspicuously bears a mailing identification number. The letter must contain the following information:

- a. Name and telephone number of mailer or representative.
 - b. Origin Post Office of mailing.
 - c. Expected mailing date.
 - d. Description of mailing.
 - e. Number of addressees for each 5-digit ZIP Code.
 - f. Number of DALs per carton or bundle.
 - g. Number of items per carton or bundle.
 - h. Expected delivery period (range of dates).
 - i. Requested action for excess or undeliverable DALs or items (see 4.5).
- [Revise 4.4.2 in its' entirety to read as follows:]*

4.4.2 Basic Standards for DALs

The following apply:

- a. The DALs must be presorted, counted, and prepared by 5-digit ZIP Code delivery area.
- b. Only DALs for the same 5-digit area may be placed in the same carton, sack, or tray.
- c. DAL mailings claimed at carrier-route basic or walk-sequence prices must be further prepared under the corresponding standards.
- d. Mailers must prepare DALs as bundles in sacks or in cartons, unless

prepared in trays under 4.4.6 when mailed with saturation flats.

e. Different size cartons may be used in the same mailing, but each must be filled with dunnage as necessary to ensure that the DALs retain their orientation and presort integrity while in transit.

f. Each carton of DALs must bear a label showing the information in 4.4.5 unless a mailing identification number is used (see 4.4.1).

g. Multiple containers of DALs must be numbered sequentially (“1 of __,” “2 of __,” etc.).

[Revise the title of 4.4.3 to read as follows:]

4.4.3 Basic Standards for Items Distributed With DALs

The following apply:

[Revise item (a) to read as follows:]

a. Except for bundles of saturation flats placed directly on pallets under 4.4.7, the items to be distributed with DALs must be placed in cartons or prepared in bundles placed in flat trays/sacks, subject to the standards for the price claimed.

* * * * *

4.4.4 Combined Cartons

[Revise the introductory paragraph of 4.4.4 to read as follows:]

DALs and the accompanying items may be enclosed in the same carton when sent to a small volume 5-digit ZIP Code area. If the DALs and the accompanying items are packed together, these standards apply:

[Revise item (a) to read as follows:]

a. The DALs must be bundled and labeled under 4.4.2 and placed on top of the items.

[Revise item (d) to read as follows:]

d. The exterior of the carton must be labeled under 4.4.5 and marked “DALs ENCLOSED” in letters not less than 1/2 inch high.

4.4.5 Container Labels

[Revise the first sentence the introductory paragraph of 4.4.5 to read as follows:]

Sacks, flat trays, cartons, and pallets of DAL mail must be labeled under the preparation standards for the price claimed. * * *

[Revise item (e) to read as follows:]

a. Instructions to open and distribute either the DALs with matching items or the items with matching DALs as appropriate.

4.4.6 Optional Tray and Bundle Preparation

[Revise the text of 4.4.6 to read as follows:]

The following apply:

a. Mailers may prepare DALs in letter trays according to 245.9.0 when DALs are used in mailings of saturation flats.

b. Bundles of saturation flats to be distributed with DALs may be prepared on 5-digit pallets under 4.4.7.

c. Pallets must not be used when the Drop Shipment Product specifies that the delivery unit that serves the 5-digit pallet destination cannot handle pallets. For such delivery units, mail with DALs must be prepared in cartons, flat trays, or sacks. The tray(s) of corresponding DALs must be placed on top of the accompanying pallet of flats, and the pallet contents must be secured with stretchwrap to avoid separation in transportation and processing.

d. All containers must be labeled according to 4.4.5.

4.4.7 Optional Container Preparation

[Revise the text of 4.4.7 to read as follows:]

Bundles of flats and cartons, flat trays, or sacks of items may be placed on pallets meeting the standards in 705.8.0. Cartons or trays of DALs must be placed on pallets with the corresponding items under 4.4 and 705.8.0. The USPS plant manager at whose facility a DAL mailing is deposited may authorize other containers for the portion of the mailing to be delivered in that plant’s service area.

4.5 Disposition of Excess or Undeliverable Material

[Revise the introductory paragraph of 4.5 to read as follows:]

The letter required under 4.4.1 must either request that the delivery office contact the mailer (or representative) about excess DALs, items, or provide instructions for their treatment. (If the mailer does not provide information about excess DALs, or items, such material is disposed of as waste by the USPS.) The mailer must choose one of the following options for each DAL mailing and the items: * * *

[Revise item (d) to read as follows:]

d. Holding of the excess material while additional DALs or items are supplied (as applicable). If additional material is not supplied within 15 days of the notice to the mailer, the excess material is returned to the mailer postage due. Additional material must be sent prepaid to the delivery Post Office as First-Class Mail, USPS Ground Advantage—Retail, Priority Mail, or Priority Mail Express.

4.6 Postage

4.6.1 Prices

[Revise the text of 4.6.1 to read as follows:]

DAL mailings are not eligible for automation prices, but the pieces may qualify for carrier route prices, subject to applicable standards. Mailers must pay a surcharge for each DAL used with USPS Marketing Mail flats. See Notice 123—Price List for prices.

4.6.2 Postage Computation and Payment

[Revise the text of 4.6.2 to read as follows:]

Postage is computed based on the combined weight of the item and the accompanying DAL. If the number of DALs and items mailed is not identical, the number of pieces used to determine postage is the greater of the two. No postage refund is allowed in these situations. In addition, these methods of postage payment apply:

c. Periodicals flats must be prepaid. A notice of entry must appear in the upper right corner of the DAL.

d. USPS Marketing Mail flats (except EDDM flats) and parcels and Bound Printed Matter pieces must be paid by permit imprint, which must appear on each DAL.

e. A surcharge applies to each DAL used in a USPS Marketing Mail flats mailing.

4.6.3 Returns

[Revise the text of 4.6.3 to read as follows:]

Postage for excess or undeliverable DALs that are properly endorsed, or for items being returned, is computed at the single-piece price (First-Class Mail, USPS Ground Advantage—Retail, Priority Mail, or Package Services) applicable to the combined weight of the DAL and the accompanying item, regardless of whether both are returned. The total amount due for returned material, which includes the return postage and the applicable address correction fee for each DAL or item returned, is collected when the material is returned to the mailer.

4.6.4 Additional Items

[Revise the text of 4.6.4 to read as follows:]

Postage for additional material (DALs or items) mailed to the USPS under 4.5d must be prepaid as First-Class Mail, Priority Mail, or Priority Mail Express, subject to the eligibility standards for the price claimed and the conditions in 4.6.2.

* * * * *

11.0 Commercial Plus One Mailpieces

11.1 Definition

[Revise the text of 11.1 to read as follows:]

The commercial mail Plus One product is a bundled offering, including a host Marriage Mail (combining multiple advertisers within a single mailpiece) mailpiece and a Plus One card. Both the host mailpiece and the Plus One card must meet the applicable basic standards of a USPS Marketing Mail saturation letter or saturation flat as specified in 245.6.0 and 245.9.0 and meet automation standards with a correct mailing address and Intelligent Mail barcode. For flat-sized host mailpieces, the host piece must be entered at a DDU, SDC or DSCF/LPC. The Plus One Card must be entered at a DSCF/LPC within 2 business days from entering the host mail piece to receive Plus One pricing. For letter-sized host mailpieces, the host piece must be entered at a DSCF/LPC. The Plus One Card must be entered at a DSCF/LPC within 2 business days from entering the host mailpiece to receive Plus One pricing.

The Plus One mailpiece (card) must meet the following additional standards:

- a. Be addressed to the same delivery points as the host mailpiece.
- b. Be sorted and presented separately from the host piece.
- c. Must not exceed 6 inches long by 11 inches high.
- d. Must be at least 0.009 inches thick and card stock.
- e. Must have “Plus One” marking directly below Permit indicia.

11.2 Mail Preparation

[Revise the text of 11.2 to read as follows:]

Each Plus One mailing must be trayed and labeled according to 245.6.7 or 245.9.7. Palletized mailings must be prepared according to 705.8.10.3.

* * * * *

604 Postage Payment Methods and Refunds

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5.0 Permit Imprint (Indicia)

* * * * *

5.3 Indicia Design, Placement, and Content

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Exhibit 5.3.11 Indicia Formats for Official Mail and Other Classes

[In Exhibit 5.3.11 under “Package Services” to revise the Presorted Media Mail indicia to read as Media Mail:]

* * * * *

608 Postal Information and Resources

* * * * *

2.0 Domestic Mail

* * * * *

2.6 Alaska Bypass Service

2.6.1 Prices

[Revise 2.6.1 to read as follows:]
Alaska Bypass Service prices are based on the weight of the shipment.

* * * * *

700 Special Standards

703 Nonprofit USPS Marketing Mail and Other Unique Eligibility

* * * * *

9.0 Mixed Classes

* * * * *

9.2 Eligibility for Attachments of Different Classes

* * * * *

9.2.2 Price Qualification

If a Periodicals, USPS Marketing Mail, Parcel Select, or Package Services host piece qualifies for: * * *

[Revise the first sentence of item (d) to read as follows:]

d. A destination entry price (DDU, DSCF, or DADC), a USPS Marketing Mail attachment is eligible for the comparable destination entry price.

* * *

[Revise 9.6 to read as follows:]

9.6 Eligibility for Combined Mailing of Media Mail and Bound Printed Matter

9.6.1 Machinable Parcels

A mailer may combine into one parcel separate and distinguishable pieces of Media Mail and Bound Printed Matter for the same addressee, if these combined pieces form a regular machinable parcel as defined in 201.7.5.

9.6.2 Presorted Prices

Presorted prices may be claimed, subject to the applicable preparation standards.

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

2.0 Manifest Mailing System

* * * * *

2.3 Keyline

* * * * *

2.3.5 Unique ID Number Location—Itemized Mailings

[Revise the last sentence of 2.3.5 to read as follows:]

* * * The numbers must be printed in overall ascending order, or in

ascending order within each zone, 5-digit, or 3-digit ZIP Code area on the manifest.

2.4 Authorization

* * * * *

2.4.3 General Requirements for Authorization

General requirements for authorization are as follows: * * *

[Revise the last sentence of item c(3) to read as follows:]

3. * * * Parcels mis-shipped at destination SCFs are handled through parcel sampling and are treated as underpaid parcels.

* * * * *

5.0 First-Class Mail or USPS Marketing Mail Mailings With Different Payment Methods

* * * * *

5.2 Postage

* * * * *

5.2.6 Single-Piece Price Mail

[Revise 5.2.6 to read as follows:]

With USPS approval, trays of single-piece price mail may be placed on the origin SCF/LPC pallet (First-Class Mail), or the mixed pallet (USPS Marketing Mail), after USPS verification is completed.

* * * * *

6.0 Combining Mailings of USPS Marketing Mail, Package Services, and Parcel Select Parcels

6.1 Basic Standards for Combining Parcels

6.1.1 Basic Standards

USPS Marketing Mail parcels, Package Services parcels, and Parcel Select parcels in combined mailings must meet the following standards:

* * *

[Revise the first sentence of item (d) to read as follows:]

d. Minimum volume requirements for USPS Marketing Mail, Parcel Select, and Presorted Bound Printed Matter must be met separately and are based solely on the quantity of pieces eligible for each price at the required presort level. * * *

* * * * *

[Delete 6.2 in its entirety; renumber 6.3 and 6.4 as 6.2 and 6.3 respectively:]

* * * * *

[Newly renumbered as 6.2]

6.2 Combining Parcels—DSCF and DDU Prices

6.2.1 Qualification

Combination requirements for specific discounts and prices are as follows:

[Revise items (a) and (b) to read as follows:]

a. When the mailer pays DSCF prices, Parcel Select, USPS Marketing Mail, and Bound Printed Matter parcels may be combined under 6.2.

b. All USPS Marketing Mail parcels may be combined with Package Services and Parcel Select parcels prepared for DDU prices under 6.2.

* * * * *

[Renumbered 6.3]

6.3 Combining Package Services, Parcel Select, and USPS Marketing Mail—Optional 3-Digit SCF/RPDC Entry

* * * * *

6.3.2 Qualification and Preparation

Parcel Select and Bound Printed Matter machinable parcels, and USPS Marketing Mail parcels may be prepared for entry at designated SCFs/RPDCs under these standards: * * *

[Delete item (c) in its' entirety; renumber items (d) through (f) as items (c) through (e) respectively:]

[Revise newly renumbered item (c) to read as follows:]

c. USPS Marketing Mail, machinable Marketing parcels (regular and Nonprofit) and Nonprofit machinable-priced parcels are eligible for the NDC/RPDC presort-level price. USPS Marketing Mail, nonstandard Marketing parcels (regular and Nonprofit) and Nonprofit nonstandard-priced parcels are eligible for the 3-digit presort-level DSCF price.

* * * * *

[Delete newly renumbered item (e) in its' entirety:]

* * * * *

7.0 Combining Package Services and Parcel Select Parcels for Destination Entry

7.1 Combining Parcels—DSCF/DRPDC and DDU OR DS&DC Entry

* * * * *

7.1.2 Basic Standards

Package Services and Parcel Select parcels that qualify as machinable and nonstandard under 201 and meet the following conditions may be combined in 5-digit scheme and 5-digit sacks or 5-digit scheme and 5-digit pallets under these conditions:

[Revise item (a) to read as follows:]

a. Minimum volume requirements for Parcel Select and Presorted Bound Printed Matter must be met separately before combining.

* * * * *

7.1.3 Combined Parcels Prepared in Sacks—Price Eligibility

In addition to the applicable standards in 255.4.0 and 266.3.0 through 266.6.0 for destination entry Parcel Select and Package Services, the following standards apply for combined parcels prepared in sacks: * * *

[Delete items (c) and (d) in its entirety; renumber item (e) as item (c) respectively:]

* * * * *

7.1.6 Combined Parcels Prepared on Pallets—Price Eligibility

In addition to the applicable standards in 255.4.0, and 266.3.0 through 266.6.0 for destination entry parcels, the following standards apply for combined parcels prepared on pallets: * * *

[Delete items (c) and (d) in its entirety; renumber item (e) as item (c) respectively:]

* * * * *

[Delete 7.2 in its' entirety; renumber 7.3 through 7.5 as 7.2 through 7.4:]

* * * * *

8.0 Preparing Pallets

* * * * *

8.5 General Preparation

8.5.1 Presort

The following apply: * * *

[Revise items (d) through (f) to read as follows:]

d. For sacks, trays, or machinable parcels on pallets, the mailer must prepare all required pallet levels before any mixed ADC or mixed pallets are prepared for a mailing or job.

e. Except as described in 15.1.3f, bundles must not be placed on mixed ADC or mixed pallets. Bundles that cannot be placed on pallets must be prepared in sacks under the standards for the price claimed.

f. The standards for bundle reallocation to protect the SCF/LPC (sectional center facility/local processing center) (letters, flats)/RPDC (parcels), or ADC pallet (8.11 and 8.14) are optional methods of pallet preparation designed to retain as much mail as possible at the SCF/LPC (letters, flats)/RPDC (parcels), or ADC level.

* * * * *

8.5.2 Required Preparation

The following standards apply to Periodicals, USPS Marketing Mail, Parcel Select, and Package Services, except Parcel Select mailed at DSCF and DDU prices: * * *

[Revise items (b) and (c) to read as follows:]

b. For bundles of flat-size mailpieces or bundles of nonstandard parcels on pallets, after preparing all possible pallets under 8.5.2a, when 250 or more pounds of bundles remain for an ADC (Periodicals) or for an NDC/RPDC (USPS Marketing Mail parcels), mailers must prepare the ADC or Mixed pallet, as applicable for the class of mail.

Exception: If no ADC or Mixed pallets are in a mailing and 250 or more pounds remain for an SCF/LPC (letters, flats)/RPDC (parcels), mailers must prepare the SCF/LPC (letters, flats)/RPDC (parcels) pallet.

c. Bundles that cannot be placed on an ADC, Mixed, or SCF/LPC (letters, flats)/RPDC (parcels) pallet may be placed on mixed ADC pallets if allowed by the specific standards for the class and shape of mail, or be placed in sacks or flat trays (when applicable) (see 8.9.1).

8.5.3 Minimum Load

The following minimum load standards apply to mail prepared on pallets: * * *

[Revise items (3) and (4) to read as follows:]

3. The minimum load for pallets is 200 pounds of USPS Marketing Mail parcels (machinable or nonstandard) entered at origin to claim the NDC price.

4. A pallet may contain a minimum of 100 pounds of nonletter-size mail or 12 linear feet of letter trays if it is:

a. An ADC pallet entered at the destination ADC;

b. An SCF/LPC (letters, flats)/RPDC (parcels) pallet entered at the destination SCF/LPC (letters, flats)/RPDC (parcels); or

c. The only pallet entered at an individual destination ADC or SCF/LPC (letters, flats)/RPDC (parcels) facility.

* * * * *

[Revise item (6) to read as follows:]

6. There is no minimum load for Mixed pallets of bundles or flat trays of USPS Marketing Mail flats.

* * * * *

8.5.12 Nonpalletized Mail

The following apply:

[Revise item (a) to read as follows:]

a. Mail that is not palletized (e.g., the bundles do not meet the machinability standards in 8.5.7 through 8.5.11) must be prepared under the standards for the price claimed.

* * * * *

8.8 Basic Uses

These types of mail may be palletized:

* * *

[Delete item (j) in its' entirety:]

* * * * *

8.10 Pallet Presort and Labeling

8.10.1 First-Class Mail—Letter Trays or Flat Trays

* * * Preparation, sequence, and labeling:

[Revise the fourth sentence of item (a) to read as follows:]

a. * * * Pallet may contain trays only for the same 5-digit ZIP Code (for non-automation letters and flats) or 5-digit scheme ZIP codes (for automation letters and flats). * * *

[Revise the third sentence of item (b) to read as follows:]

b. * * * Pallets contain trays destined for the 3-digit ZIP Codes serviced by the origin SCF/LPC facility in L005. * * *

8.10.2 Periodicals—Bundles, Sacks, Letter Trays or Flat Trays

* * * Prepare pallets in the following sequence: * * *

[Revise the introductory text of item (h) to read as follows:]

h. SCF/LPC (letters, flats)/RPDC (parcels), required, permitted for bundles, trays, and sacks (nonstandard parcels only). The pallet may contain carrier-route-price, automation-price, and/or Presorted-price mail for the 3-digit ZIP Code groups in L005. Labeling: * * *

8.10.3 USPS Marketing Mail—Bundles, Sacks, or Trays

[Revise the text of the introductory paragraph to read as follows:]

Mailers must prepare pallets under 8.0 in the sequence listed below and complete each required level before preparing the next optional or required level. For USPS Marketing Mail High Density and High Density Plus flats price eligibility, only 5-digit pallets under 8.10.3a through 8.10.3c are allowed, and the pallets must be entered under None, DSCF/DLPC, or DDU or DS&DC standards. (Use “HD/HD+ DIRECT” for one route and “HD/HD+ CR-RTS” for multiple routes on the line 2 contents description). Unless specified as optional, all sort levels are required. For parcels, mailers must use this preparation only for nonstandard parcels in sacks. Mailers must palletize unbundled or unsacked nonstandard parcels under 8.10.8. Pallets must be labeled according to the Line 1 and Line 2 information listed below and under 8.6. Mailers also may palletize bundles of USPS Marketing Mail flats under 10.0, 12.0, or 13.0. Preparation sequence and labeling: * * *

[Revise the introductory text of item (f) to read as follows:]

f. SCF/LPC (letters, flats)/RPDC (parcels), required, permitted for bundles, trays, and sacks (nonstandard parcels only). The pallet may contain carrier-route, automation-price, and/or presorted-price mail for the 3-digit ZIP Code groups in L005. Mailers may, at their option, place AADC trays on SCF/LPC (letters, flats)/RPDC (parcels) pallets when the tray’s “label to” 3-digit ZIP Code (from L005) is within that SCF’s/LPC’s (letters, flats)/RPDC’s (parcels) service area. Labeling: * * *

[Revise item (g) to read as follows:]

g. ASF/RPDC, required, permitted for sacks (nonstandard parcels only). Pallet must contain only parcels for the 3-digit ZIP Code groups in L602. Labeling:

1. Line 1: L602.

2. Line 2: “STD NONSTD ASF”, followed by “BARCODED” (or “BC”)

[Revise item (h) to read as follows:]

h. NDC/RPDC, required, permitted for sacks (nonstandard parcels only). Pallet must contain only parcels for the 3-digit ZIP Code groups in L601. Labeling:

1. Line 1: L601.

2. Line 2: “STD NONSTD NDC”, followed by “BARCODED” (or “BC”)

[Revise item (i) to read as follows:]

i. Mixed NDC, optional, permitted for sacks (nonstandard parcels only); allowed with no minimum. Mailers must place sacks (nonstandard parcels only) containing pieces paid at the single-piece price on the mixed NDC/RPDC pallet (unless required to be presented separately by special postage payment authorization). Labeling:

1. Line 1: “MXD” followed by information in L601, Column B, for facility serving 3-digit ZIP Code prefix of entry Post Office (label to plant serving entry Post Office if authorized by processing and distribution manager).

2. Line 2: “STD NONSTD”, followed by “BARCODED” (or “BC”), followed by “WKG”.

[Add an item (j) to read as follows:]

j. Mixed, optional, permitted for bundles and trays; allowed with no minimum and required at 100 pounds of mail for bundles of flats. Bundles of flats totaling less than 100 pounds in weight must be trayed if not palletized. The pallet may contain carrier route, automation, and/or Presorted mail. Mailers must place trays containing pieces paid at the single-piece price on the mixed pallet (unless required to be presented separately by special postage payment authorization). Labeling:

1. Line 1: “MXD WKG”

2. Line 2: “STD FLTS”, followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route

and/or Presorted price mail; followed by “WKG.” For letters, “STD LTRS”; followed by “BC” if pallet contains barcoded letters; followed by “MACH” if pallet contains machinable letters; followed by “MAN” if pallet contains nonmachinable letters; followed by “WKG.”

* * * * *

[Revise 8.10.4 to read as follows:]

8.10.4 Package Services Flats—Bundles and Sacks

Pallets must be prepared under 8.0 in the sequence listed below and completed at each required level before the next optional or required level is prepared. Unless indicated as optional, all sort levels are required under the conditions shown. Carrier route mail and Presorted price mail with a barcode apply only to Bound Printed Matter mailings. Destination entry price eligibility also applies only to Bound Printed Matter (see 266 for flats). At the mailer’s option, all Package Services flats may be prepared for destination entry. For mailings of sacks on pallets, pallet preparation begins with 8.10.4b. Label pallets under 8.6 and according to the Line 1 and Line 2 information listed below:

a. 5-digit scheme carrier routes, required, permitted for bundles only. Pallet must contain only carrier route bundles for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, 5-digit carrier routes pallet preparation begins with 8.10.4b. Labeling:

1. Line 1: L001.

2. Line 2: “PSVC FLTS”; followed by “CARRIER ROUTES” (or “CR-RTS”); followed by “SCHEME” (or “SCH”).

b. 5-digit carrier routes, required, permitted for bundles and sacks. Pallet must contain only carrier route mail for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “PSVC FLTS”; followed by “CARRIER ROUTES” (or “CR-RTS”).

c. 5-digit, required, permitted for bundles and sacks. Pallet must contain only Presorted price mail with or without a barcode for the same 5-digit ZIP Code or same 5-digit scheme under L007 (for automation-compatible flats only under 201.3.0). Five-digit scheme bundles are assigned to pallets according to the “label to” 5-digit ZIP Code in L007. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “PSVC FLTS 5D”; followed by “BARCODED” (or “BC”) if pallet contains Presorted price mail with a

barcode; followed by “NONBARCODED” (or “NBC”) if pallet contains Presorted price mail without a barcode.

d. 3-digit, optional, option not available for bundles for 3-digit ZIP Code prefixes marked “N” in L002. Pallet may contain mail with or without a barcode for the same 3-digit ZIP Code or the same 3-digit scheme under L008 (for automation-compatible flats only under 201.3.0). Three-digit scheme bundles are assigned to pallets according to the “label to” 3-digit ZIP Code in L008. Labeling:

1. Line 1: L002, Column A.
2. Line 2: “PSVC FLTS 3D”; followed by “BARCODED” (or “BC”) if pallet contains Presorted price mail with a barcode; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail without a barcode.

e. SCF/LPC, required, permitted for bundles and sacks. The pallet may contain carrier route and/or Presorted price mail with or without a barcode for the 3-digit ZIP Code groups in L005. Labeling:

1. Line 1: L002, Column C.
2. Line 2: “PSVC FLTS SCF”; followed by “BARCODED” (or “BC”) if pallet contains Presorted price mail with a barcode; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail without a barcode.

f. Mixed, optional, permitted for sacks only. Pallet may contain carrier route and/or Presorted price mail with or without a barcode. Labeling:

1. Line 1: “MXD WKG”
2. Line 2: “PSVC FLTS WKG.”

[Revise 8.10.5 to read as follows:]

8.10.5 Package Services Nonstandard Parcels—Bundles and Sacks

Pallets must be prepared under 8.0 in the sequence listed below and completed at each required level before the next optional or required level is prepared. Unless indicated as optional, all sort levels are required under the conditions shown. Carrier route (8.10.5a, 8.10.5b, 8.10.5d, and 8.10.5e) applies to Bound Printed Matter mailings only. Destination entry price eligibility applies only to Parcel Select (see 256) and Bound Printed Matter (see 266 for parcels). At the mailer's option, all Package Services nonstandard parcels also may be prepared for destination entry (see 7.0). For mailings of sacks on pallets, pallet preparation begins with 8.10.5e. Label pallets under 8.6 and according to the Line 1 and Line 2 information listed below:

a. Merged 5-digit scheme, required, permitted for bundles only. Pallet must

contain carrier route bundles and noncarrier route 5-digit bundles (Presorted price bundles) for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, merged 5-digit pallet preparation begins with 8.10.5d. Labeling:

1. Line 1: L001.
2. Line 2: “PSVC NONSTD CR/5D”; followed by “SCHEME” (or “SCH”).
b. 5-digit scheme carrier routes, required, permitted for bundles only. Pallet must contain only carrier route bundles for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, 5-digit carrier routes pallet preparation begins with 8.10.5e.

Labeling:

1. Line 1: L001.
2. Line 2: “PSVC NONSTD”; followed by “CARRIER ROUTES” (or “CR—RTS”); followed by “SCHEME” (or “SCH”).

c. 5-digit scheme, required, permitted for bundles only. Pallet must contain only 5-digit bundles of Presorted price mail for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, 5-digit pallet preparation begins with 8.10.5d. Labeling:

1. Line 1: L001.
2. Line 2: “PSVC NONSTD 5D”; followed by “SCHEME” (or “SCH”).

d. Merged 5-digit, required, permitted for bundles only. Pallet must contain carrier route bundles and noncarrier route 5-digit bundles (Presorted price bundles) for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “PSVC NONSTD CR/5D.”
e. 5-digit carrier routes, required, permitted for bundles and sacks. Pallet must contain only carrier route mail for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “PSVC NONSTD”; followed by “CARRIER ROUTES” (or “CR—RTS”).

f. 5-digit, required, permitted for bundles and sacks. Pallet must contain only Presorted price mail for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “PSVC NONSTD 5D.”

g. 3-digit, optional, option not available for bundles for 3-digit ZIP Code prefixes marked “N” in L002. Pallet must contain parcels only for the same 3-digit ZIP Code. Labeling:

1. Line 1: L002, Column A.

2. Line 2: “PSVC NONSTD 3D.”

h. SCF/RPDC, required, permitted for bundles and sacks. The pallet may contain carrier-route-price and/or

Presorted-price mail for the 3-digit ZIP Code groups in L005. Labeling:

1. Line 1: L002, Column C.
2. Line 2: “PSVC NONSTD SCF.”

i. Mixed, optional, permitted for sacks only. The pallet may contain carrier-route-price mail and/or Presorted-price mail. Labeling:

1. Line 1: “MXD WKG”
2. Line 2: “PSVC NONSTD WKG.”

8.10.6 Combined Mailings of USPS Marketing Mail Marketing Parcels 3.5 ounces or more, USPS Marketing Mail, Package Services, and Parcel Select Machinable Parcels

* * * * *

[Revise the text of item (c) to read as follows:]

c. SCF/RPDC, optional, but required for DSCF prices. Pallets must contain only parcels for the 3-digit ZIP Code groups in L005. Labeling:

1. Line 1: L002, Column C.
2. Line 2: “STD/PSVC MACH SCF.”

* * * * *

[Delete item (d) in its entirety and renumber item (e) as item (d). Revise renumbered item (d) to read as follows:]

d. Mixed, optional. Labeling:

1. Line 1: “MXD WKG”
2. Line 2: “STD/PSVC MACH WKG.”

* * * * *

[Revise 8.10.7 to read as follows:]

8.10.7 Machinable Parcels—USPS Marketing Mail, Including Marketing Parcels 3.5 Ounces or More

Mailers who palletize machinable parcels must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DSCF or DDU prices. When prepared at origin, a 200-pound minimum is required for the NDC price. Prepare pallets under 8.0 in the sequence below. Unless indicated as optional, all sort levels are required. Label pallets under applicable standards in 8.6 and according to Line 1 and Line 2 information below:

a. 5-digit scheme, required. Pallet must contain parcels for the same 5-digit scheme under L606. For 5-digit destinations not part of L606, prepare 5-digit pallets under 8.10.7b. Labeling:

1. Line 1: Use L606.
2. Line 2: “STD 5D.”

b. 5-digit, required. Pallet must contain parcels only for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “STD 5D.”

c. SCF/RPDC, optional. Allowed only for mail deposited at a DSCF/DRPDC to claim SCF price. Labeling:

1. Line 1: Use L051.
 2. Line 2: "STD MACH SCF."
 d. ASF/RPDC, optional. Not available for the Buffalo NY ASF in L602. Pallets must contain only parcels for the 3-digit ZIP Code groups in L602. Labeling:
 1. Line 1: Use L602.
 2. Line 2: "STD MACH ASF."
 e. NDC/RPDC, required. Pallets must contain only parcels for the 3-digit ZIP Code groups in L601. Labeling:
 1. Line 1: Use L601.
 2. Line 2: "STD MACH NDC."
 f. Origin NDC/RPDC (required); no minimum; labeling:
 1. Line 1: L601, Column B.
 2. Line 2: "STD MACH NDC."
 g. Mixed NDC, optional; no minimum. Labeling:
 1. Line 1: "MXD" followed by information in L601, Column B, for facility serving 3-digit ZIP Code prefix of entry Post Office (or labeled to plant serving entry Post Office if authorized by processing and distribution manager).
 2. Line 2: "STD MACH WKG."
[Revise 8.10.8 to read as follows:]

8.10.8 Nonstandard Parcels Weighing 2 Ounces or More—USPS Marketing Mail, Including Marketing Parcels

Mailers who palletize unbundled or unsacked nonstandard parcels must make pallets or pallet boxes when there are 250 pounds or more for the destination levels below for DSCF or DDU prices. When pallets or pallet boxes are prepared at origin, a 200-pound minimum is required for the NDC price. Mailers must prepare pallets or pallet boxes of nonstandard parcels (except tubes, rolls, and similar pieces) weighing 2 ounces or more under 8.0 and in the sequence listed below. Mailers must label pallets or pallet boxes according to the Line 1 and Line 2 information listed below and under 8.6. Mailers may not prepare tubes, rolls, and similar pieces or pieces that weigh less than 2 ounces on pallets or in pallet boxes, except for pieces in carrier-route bundles or in sacks under 8.10.3. Preparation sequence and labeling:

a. 5-digit scheme, required. Pallet or pallet box must contain parcels only for the same 5-digit scheme under L606. For 5-digit destinations not part of L606 prepare 5-digit pallets under 8.10.8b. Labeling:

1. Line 1: Use L606.
 2. Line 2: "STD NONSTD 5D"; followed by "SCHEME" (or "SCH").
 b. 5-digit, required. Pallet or pallet box must contain parcels only for the same 5-digit ZIP Code. Labeling:
 1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: "STD NONSTD 5D."
 c. SCF/RPDC, required. Allowed only for mail deposited at a DSCF/DRPDC to claim SCF price. Labeling:

1. Line 1: Use L002, Column C.
 2. Line 2: Use "STD NONSTD SCF."
 d. ASF/RPDC, optional. Not available for the Buffalo, New York, ASF in L602. Pallets must contain only parcels for the 3-digit ZIP Code groups in L602. Labeling:

1. Line 1: L602.
 2. Line 2: "STD NONSTD ASF."
 e. NDC/RPDC, required. Pallets must contain only parcels for the 3-digit ZIP Code groups in L601. Labeling:

1. Line 1: L601.
 2. Line 2: "STD NONSTD NDC."
 f. Origin NDC/RPDC (required); no minimum; labeling:

1. Line 1: L601, Column B.
 2. Line 2: "STD NONSTD NDC."
 g. Mixed NDC, optional. Labeling:
 1. Line 1: "MXD" followed by information in L601, Column B, for facility serving 3-digit ZIP Code prefix of entry Post Office (or labeled to plant serving entry Post Office if authorized by processing and distribution manager).
 2. Line 2: "STD NONSTD WKG."

8.11 Bundle Reallocation To Protect SCF/LPC/RPDC Pallet for Periodicals Flats and Nonstandard Parcels and USPS Marketing Mail Flats on Pallets

8.11.1 Basic Standards

The following apply: * * *
[Revise item (c) to read as follows:]
 a. Reallocation is performed only when there is mail for the SCF/LPC (letters, flats)/RPDC (parcels) service area that would fall beyond the SCF/LPC (letters, flats)/RPDC (parcels) pallet level (e.g., to an ADC pallet).
 * * * * *

8.11.3 Reallocation of Bundles if Optional 3-Digit Pallets Are Prepared
 Reallocation rules are as follows: * * *

[Revise the last sentence of item (d) to read as follows:]

d. * * * Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC or Mixed) or in the next appropriate sack (nonstandard parcels) or flat tray.

8.11.4 Reallocating of Bundles if Optional 3-Digit Pallets Are Not Prepared

Reallocation rules are as follows: * * *

[Revise the last sentence of item (b) to read as follows:]

b. * * * Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC or

Mixed) or in the next appropriate sack (nonstandard parcels) or flat tray.

* * * * *

[Delete 8.13 in its' entirety; renumber 8.14 through 8.20 as 8.13 through 8.19 respectively:]

* * * * *

[Renumbered 8.13]

8.13 Pallets of Bundles, Sacks, and Trays

* * * * *

[Delete renumbered 8.13.3 and 8.13.4 in its' entirety and renumber 8.13.5 as 8.13.3:]

* * * * *

[Renumbered 8.13.3]

8.13.3 Securing Trays

The following apply:
 a. Trays must be sleeved and strapped under the following: * * *
[Revise item a(5) to read as follows:]
 5. 265.3.0 for Bound Printed Matter flats.

[Delete item a(6) in its' entirety:]

* * * * *

[Renumbered 8.16]

8.16 Pallets of Machinable Parcels

[Delete item 8.16.1 in its' entirety; renumber 8.16.2 as 8.16.1:]

* * * * *

9.0 Combining Bundles of Automation and Nonautomation Flats in Flat Trays and Sacks

[Delete 9.1 in its' entirety; renumber sections 9.2 through 9.4 as 9.1 through 9.3 respectively:]

* * * * *

10.0 Merging Bundles of Flats Using the City State Product

* * * * *

10.2 USPS Marketing Mail

* * * * *

10.2.5 Pallet Preparation and Labeling

* * * * *

[Delete items (h) and (i) in its' entirety; renumber item (j) as (h):]

[Revise renumbered item (h) to read as follows:]

h. Mixed, optional, allowed with no minimum and required at 100 pounds of mail for bundles of flats. Bundles of flats totaling less than 100 pounds in weight must be trayed if not palletized. The pallet may contain carrier route, automation, and/or Presorted mail. Mailers must place trays containing pieces paid at the single-piece price on the mixed pallet (unless required to be presented separately by special postage payment authorization). Labeling:

1. Line 1: "MXD" followed by information in L601, Column B

2. Line 2: “STD” followed by “FLTS”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail; followed by “WKG.”

* * * * *

11.0 Combining Automation Price and Nonautomation Price Flats in Bundles

[Delete 11.1 in its entirety; renumber sections 11.2 through 11.4 as 11.1 through 11.3 respectively:]

* * * * *

12.0 Merging Bundles of Flats on Pallets Using a 5 Percent Threshold

* * * * *

12.2 USPS Marketing Mail

* * * * *

12.2.3 Pallet Preparation and Labeling

* * * * *

[Delete items (h) and (i) in its entirety; renumber item (j) as (h):]
[Revise renumbered item (h) to read as follows:]

h. *Mixed, optional*, allowed with no minimum and required at 100 pounds of mail for bundles of flats. Bundles of flats totaling less than 100 pounds in weight must be trayed if not palletized. The pallet may contain carrier route, automation, and/or Presorted mail. Mailers must place trays containing pieces paid at the single-piece price on the mixed pallet (unless required to be presented separately by special postage payment authorization). Labeling:

1. Line 1: “MXD” followed by information in L601, Column B
2. Line 2: “STD” followed by “FLTS”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail; followed by “WKG.”

* * * * *

13.0 Merging Bundles of Flats on Pallets Using the City State Product and a 5-Percent Threshold

* * * * *

13.2 USPS Marketing Mail

* * * * *

13.2.4 Pallet Preparation and Labeling

* * * * *

[Delete items (h) and (i) in its entirety; renumber item (j) as (h):]
[Revise renumbered item (h) to read as follows:]

h. *Mixed, optional*, allowed with no minimum and required at 100 pounds of mail for bundles of flats. Bundles of flats

totaling less than 100 pounds in weight must be trayed if not palletized. The pallet may contain carrier route, automation, and/or Presorted mail. Mailers must place trays containing pieces paid at the single-piece price on the mixed pallet (unless required to be presented separately by special postage payment authorization). Labeling:

1. Line 1: “MXD” followed by information in L601, Column B

2. Line 2: “STD” followed by “FLTS”; followed by “BARCODED” (or “BC”) if pallet contains automation price mail; followed by “NONBARCODED” (or “NBC”) if pallet contains carrier route and/or Presorted price mail; followed by “WKG.”

* * * * *

15.0 Combining USPS Marketing Mail Flats, Bound Printed Matter Flats, and Periodicals Flats

15.1 Basic Standards

15.1.1 General

* * * * *

[Revise item (g) to read as follows:]
g. When residual pieces are included in a combined mailing of USPS Marketing Mail flats and Periodicals flats on pallets, these pieces must be bundled and placed directly on mixed pallets.

* * * * *

15.1.10 Other Periodicals Pricing

Other prices for Periodicals flats in a combined mailing of USPS Marketing Mail and Periodicals flats on pallets will be assessed as follows:

[Delete items (a) and (b); renumber items (c) through (e) as (a) through (c) respectively:] *[Revise renumbered (a) through (c) to read as follows:]*

a. The bundle price applicable to the ADC bundle placed on the ADC container level will apply to mixed ADC bundles placed on mixed pallets.

b. The container price applicable to the mixed ADC pallet level will apply to the mixed pallet level.

c. The bundle price applicable to the 5-digit bundle placed on the mixed ADC container level will apply to carrier route bundles placed on mixed pallets.

[Revise 15.1.11 to read as follows:]

15.1.11 Bundle Reallocation to Protect the SCF/LPC Pallet

Mailers may reallocate bundles under 8.11 to protect the SCF/LPC pallet.

* * * * *

15.2 Combining USPS Marketing Mail Flats, Bound Printed Matter Flats, and Periodicals Flats in the Same Bundle

* * * * *

15.2.3 Pallet Presort and Labeling

[Revise the second sentence of 15.2.3 to read as follows:]

* * * Merged 5-digit scheme through SCF pallets must contain at least 250 pounds of combined USPS Marketing Mail and Periodicals mailpieces, except as allowed under 8.5.3. * * *

15.3 Combining Bundles of USPS Marketing Mail Flats, Bound Printed Matter Flats, and Periodicals Flats on the Same Pallet

* * * * *

15.3.3 Pallet Presort and Labeling

[Revise the second sentence of 15.3.3 to read as follows:]

* * * Merged 5-digit scheme through SCF pallets must contain at least 250 pounds of combined USPS Marketing Mail and Periodicals, except as allowed under 8.5.3. * * *

* * * * *

15.4 Pallet Preparation

15.4.1 Pallet Preparation, Sequence and Labeling

[Revise 15.4.1 to read as follows:]
When combining USPS Marketing Mail, Bound Printed Matter, and Periodicals flats within the same bundle or combining bundles of USPS Marketing Mail flats, Bound Printed Matter flats and bundles of Periodicals flats on pallets, bundles must be placed on pallets. For labeling, “STD/BPM/PER FLTS”, as applicable’ means to label each individual pallet based on the classes of mailpieces on that individual pallet. As an example, in a combined mailing of USPS Marketing Mail, Bound Printed Matter, and Periodicals flats, some pallets may be labeled “STD/BPM/PER” while others might properly be labeled “STD/BPM,” “STD/PER,” “BPM/PER,” or even “STD,” “BPM,” or “PER.” Preparation, sequence and labeling:

a. *5-digit scheme carrier routes, required*. Pallet must contain only carrier route bundles for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, 5-digit carrier routes pallet preparation begins with 15.4.1c. Labeling:

1. Line 1: L001.
2. Line 2: “STD/BPM/PER FLTS”; followed by “CARRIER ROUTES” (or “CR-RTS”); followed by “SCHEME” (or “SCH”); followed by “MIX COMAIL.”

b. *Merged 5-digit scheme, optional*. Not permitted for bundles containing noncarrier route automation-compatible flats under 201.6.0. Required for all other bundles. Pallet must contain carrier route bundles and noncarrier route 5-digit bundles (Presorted bundles

only) for the same 5-digit scheme under L001. For 5-digit destinations not part of L001, merged 5-digit pallet preparation begins with 15.4.1d. Labeling:

1. Line 1: L001.
2. Line 2: “STD/BPM/PER FLTS CR/5D;” followed by “SCHEME” (or “SCH”); followed by “MIX COMAIL.”
c. *Merged 5-digit, optional.* Not permitted for bundles containing noncarrier route automation-compatible flats under 201.6.0. Required for all other bundles. Pallet must contain carrier route bundles and noncarrier route 5-digit bundles (Presorted bundles only) for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “STD/BPM/PER FLTS”; followed by “CR/5D”; followed by “MIX COMAIL.”

d. *5-digit carrier routes, required.*

Pallet must contain only carrier route mail for the same 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “STD/BPM/PER FLTS”; followed by “CR/5D”; followed by “MIX COMAIL.”

e. *5-digit, required.* Pallet must contain only mail for the same 5-digit ZIP Code or same 5-digit scheme under L007 (for automation flats only under 201.6.0). 5-digit scheme bundles are assigned to 5-digit pallets according to the OEL “label to” 5-digit ZIP Code. Labeling:

1. Line 1: city, state, and 5-digit ZIP Code destination (see 8.6.4c for overseas military mail).

2. Line 2: “STD/BPM/PER FLTS 5D;” followed by “BARCODED” (or “BC”); “NONBARCODED” (or “NBC”) for Presorted mail, or “BARCODED/NONBARCODED” (or “BC/NBC”) for pallets including both barcoded and Presorted pieces; followed by “MIX COMAIL.”

f. *3-digit, optional,* but not available for bundles for 3-digit ZIP Code prefixes marked “N” in L002. Pallet may contain mail for the same 3-digit ZIP Code or the same 3-digit scheme under L008 (for automation-compatible flats only under 201.6.0). Three-digit scheme bundles are assigned to pallets according to the OEL “label to” 3-digit ZIP Code in L008. Labeling:

1. Line 1: L002, Column A.
2. Line 2: “STD/BPM/PER FLTS 3D;” followed by “BARCODED” (or “BC”); “NONBARCODED” (or “NBC”) for Presorted mail, or “BARCODED/NONBARCODED” (or “BC/NBC”) for pallets including both barcoded and

Presorted pieces; followed by “MIX COMAIL.”

g. *SCF/LPC, required.* Pallet may contain carrier route, automation or Presorted mail for the 3-digit ZIP Code groups in L005. Labeling:

1. Line 1: L002, Column C.

2. Line 2: “STD/BPM/PER FLTS SCF”; followed by “BARCODED” (or “BC”); “NONBARCODED” (or “NBC”) for Presorted mail, or “BARCODED/NONBARCODED” (or “BC/NBC”) for mixed pallets; followed by “MIX COMAIL.”

h. *Mixed, required, 100 pound minimum.* Pallet may contain carrier-route, automation or presorted mail. Pallet includes MXD ADC bundles, prepared according to the “label to” ZIP in L009, as appropriate. Unless authorized by the processing and distribution manager, pallet must be entered at the NDC/RPDC serving the 3-digit ZIP Code of the entry Post Office. Labeling:

1. Line 1: Use “MXD” followed by the information in L601, for the facility serving the 3-digit ZIP Code prefix of the entry Post Office.

2. Line 2: “STD/BPM/PER FLTS;” followed by “BARCODED” (or “BC”); “NONBARCODED” (or “NBC”) for Presorted mail, or “BARCODED/NONBARCODED” (or “BC/NBC”) for mixed pallets; followed by “WKG;” followed by “MIX COMAIL.”

* * * * *

16.0 Plant-Load Mailings

* * * * *

16.7 Interdistrict Plant-Loaded Shipments

* * * * *

16.7.4 USPS Marketing Mail, Parcel Select, and Package Services

[Revise 16.7.4 to read as follows:]

For plant-loaded shipments of USPS Marketing Mail, Parcel Select, and Package Services, if there is enough mail for the same SCF/LPC (letters, flats)/RPDC (parcels) service area to fill 60 percent or more of a vehicle by weight or by cube (a minimum of 28,000 pounds or 2,000 cubic feet), the mailer must prepare a direct vehicle for that SCF/LPC (letters, flats)/RPDC (parcels).

* * * * *

16.7.7 Sufficient Volume

[Delete item (c) in its entirety:]

* * * * *

21.0 Optional Combined Parcel Mailings

21.1 Basic Standards for Combining Parcel Select, Package Services, and USPS Marketing Mail Parcels

21.1.1 Basic Standards

Package Services parcels, Parcel Select parcels, and USPS Marketing Mail parcels in a combined parcel mailing must meet the following standards:

* * * * *

d. Combined mailings must meet the following minimum volume requirements: * * *

[Revise item d(3) to read as follows:]

1. Presorted BPM—Minimum 300 parcels.

* * * * *

21.2 Price Eligibility

21.2.1 Eligible Prices

[Revise 21.2.1 to read as follows:]

Combined parcels may be eligible for USPS Marketing Mail, Parcel Select, single-piece Media Mail, single-piece Library Mail, single-piece and Presorted Bound Printed Matter, and destination entry prices and discounts as applicable.

21.2.2 Price Application

[Revise 21.2.2 to read as follows:]

Apply prices based on the criteria in 200 and the following standards:

a. USPS Marketing Mail and Parcel Select parcel prices are based on the container level and entry (see 243.5.0 and 253).

b. Bound Printed Matter (BPM) parcels qualify for single-piece prices or Presorted Bound Printed Matter prices as follows:

1. Presorted prices for BPM pieces prepared in other than MXD ADC and MXD containers when the combined mailing contains at least 300 pieces of BPM.

2. Nonpresorted prices for pieces prepared in MXD ADC and MXD containers, and when the combined mailing contains less than 300 pieces of BPM.

3. Destination entry prices based on entry.

c. Media Mail parcels qualify for single-piece prices for pieces prepared in MXD ADC or MXD containers, and when the combined mailing contains less than 300 pieces of Media Mail.

c. Library Mail parcels qualify for single-piece prices for pieces in MXD ADC or MXD containers, and when the combined mailing contains less than 300 pieces of Library Mail.

d. Parcel Select prices are based on the destination entry for pieces in 5-digit, 3-digit, or ADC containers.

* * * * *

21.3 Mail Preparation

* * * * *

21.3.2 Combining USPS Marketing Mail, Parcel Select, and Package Services Machinable Parcels

Prepare and enter USPS Marketing Mail, Parcel Select, and Package Services machinable parcels, and USPS

Marketing Mail Marketing parcels 6 ounces or more, as combined machinable parcels as shown in the table below.

[Revise the table in 21.3.2 to read as follows:]

COMBINED PREPARATION

		Mixed
Entry	5-Digit/Scheme ¹	(Required).
Origin	Sacks—15-piece or 30-lb minimum	Sacks—No minimum.
	Pallets—250-lb minimum.	Pallets—250-lb minimum.
DSCF	Sacks—10-piece or 10-lb minimum.	
	Pallets—100-lb minimum.	
DDU/DS&DC	Sacks—No minimum.	
	Pallets—No minimum.	

¹ All parcel types may be combined in 5-digit containers to meet minimum volumes.

21.3.3 Combining USPS Marketing Mail, Parcel Select, and Package Services APPS-Machinable Parcels

Prepare and enter USPS Marketing Mail, Parcel Select, and Package

Services nonstandard parcels, that are not tubes, rolls, triangles, or similarly nonstandard-shaped parcels) as combined APPS-machinable parcels as shown in the table below.

[Revise the table in 21.3.3 to read as follows:]

COMBINED PREPARATION

		3-Digit	ADC	Mixed ADC
Entry	5-Digit/Scheme ¹	(Required)	(Required)	(Required).
Origin	Sacks—15-piece or 30-lb minimum.	Sacks—10-piece or 20-lb minimum.	Sacks—10-piece or 20-lb minimum.	Sacks—No minimum.
	Pallets—250-lb minimum ..	Pallets—250-lb minimum ..	Pallets—250-lb minimum ..	Pallets—250-lb minimum.
DSCF	Sacks—10-piece or 10-lb minimum.	Sacks—10-piece or 20-lb minimum.		
	Pallets—100-lb minimum ..	Pallets—100-lb minimum.		
DDU/DS&DC	Sacks—No minimum.			
	Pallets—No minimum.			

¹ All parcel types may be combined in 5-digit containers to meet minimum volumes.

* * * * *

21.3.4 Combining USPS Marketing Mail, Parcel Select, and Package Services Parcels (Not APPS-Machinable)

Prepare and enter USPS Marketing Mail, Parcel Select, and Package

Services parcels, and USPS Marketing Mail Marketing parcels under 2 ounces, as combined not APPS-machinable parcels as shown in the table below.

[Revise the table in 21.3.4 to read as follows:]

COMBINED PREPARATION

		3-Digit	ADC	Mixed ADC
Entry	5-Digit/Scheme ¹	(Required)	(Required)	(Required).
Origin	Sacks—15-piece or 30-lb minimum.	Sacks—10-piece or 20-lb minimum.	Sacks—10-piece or 20-lb minimum.	Sacks—No minimum.
	Pallets—250-lb minimum ..	Pallets—250-lb minimum ..	Pallets—250-lb minimum ..	Pallets—250-lb minimum.
DSCF	Sacks—10-piece or 10-lb minimum.	Sacks—10-piece or 20-lb minimum.		
	Pallets—100-lb minimum ..	Pallets—100-lb minimum.		
DDU/DS&DC	Sacks—No minimum.			
	Pallets—No minimum.			

¹ All parcel types may be combined in 5-digit containers to meet minimum volumes.

Colleen Hibbert-Kapler,
Attorney, Ethics and Legal Compliance.
[FR Doc. 2025–10462 Filed 6–9–25; 8:45 am]
BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0454; FRL–12177–02–OCSPP]

RIN 2070–ZA16

Pesticide Tolerances; Implementing Registration Review Decisions for Certain Pesticides (Capric (Decanoic) Acid, Caprylic (Octanoic) Acid, and Pelargonic (Nonanoic) Acid)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is finalizing several tolerance actions under the Federal Food, Drug, and Cosmetic Act (FFDCA) that the Agency previously determined were necessary or appropriate during the registration review conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). During registration review, EPA reviews all aspects of a pesticide case, including existing tolerances, to ensure that the pesticide continues to meet the standard for registration under FIFRA.

DATES: This rule is effective on June 10, 2025. For actions in this final rule that lower or revoke existing tolerances, the expiration date for the existing tolerance is December 10, 2025. Objections and requests for hearings must be received on or before August 11, 2025, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.D. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0454, is available through <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Anita Pease, Antimicrobials Division (7510M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0736; email address: pease.anita@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document might apply to them:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

EPA is finalizing several tolerance actions that the Agency proposed in the **Federal Register** of September 6, 2024 (89 FR 72775 (FRL–12177–01–OCSPP)), because EPA previously determined these tolerance actions were necessary or appropriate during registration review of the pesticide active ingredients identified in Unit III. of this final rule. The tolerance actions for each pesticide active ingredient are described in Unit III. of the proposed rule and may include but are not limited to the following types of actions:

- Revising tolerance expressions;
- Modifying commodity definitions;
- Updating crop groupings;
- Removing expired tolerances;
- Revoking tolerances that are no longer needed; and
- Harmonizing tolerances with the Codex Alimentarius Commission (Codex) Maximum Residue Levels (MRLs).

As indicated in the proposed rule, this final rule may reflect the Agency's 2019 adoption of the Organization of Economic Cooperation and Development (OECD) Rounding Class Practice. More information on the OECD Rounding Class Practice can be found at [https://one.oecd.org/document/ENV/JM/MONO\(2011\)2/en/pdf](https://one.oecd.org/document/ENV/JM/MONO(2011)2/en/pdf). Where applicable, these adjustments for specific pesticides are reflected in the final regulatory text.

C. What is EPA's authority for taking this action?

FFDCA section 408(e), 21 U.S.C. 346a(e), authorizes EPA to establish,

modify, or revoke tolerances or exemptions from the requirement of a tolerance on its own initiative. After providing a 60-day public comment period, EPA may finalize the rule. EPA provided a 60-day comment period and is now finalizing the rule.

FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is “safe.” FFDCA section 408(b)(2)(A)(ii) defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue”

Under FIFRA section 3(g), 7 U.S.C. 136a(g), EPA is required to periodically review all registered pesticides and determine if those pesticides continue to meet the standard for registration under FIFRA. To learn more about the registration review, please see Unit II.C. of the proposed rule “Pesticide Tolerances; Implementing Registration Review Decisions for Certain Pesticides (Capric (Decanoic) Acid, Caprylic (Octanoic) Acid, and Pelargonic (Nonanoic) Acid)” (89 FR 72775, September 6, 2024 (FRL–12177–01–OCSPP)).

D. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the chemical specific docket ID number as provided in Unit III. in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing

and must be received by the Hearing Clerk on or before August 11, 2025.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See "Revised Order Urging Electronic Filing and Service," dated June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf>. Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.

II. Background

In the **Federal Register** of September 6, 2024 (89 FR 72775 (FRL-12177-01-OCSP)), EPA proposed several tolerance actions to amend established tolerance exemptions for capric (decanoic) acid, caprylic (octanoic) acid, and pelargonic (nonanoic) acid. The Agency previously determined in a March 2022 Combined Preliminary Work Plan/Proposed Interim Decision that these amendments were necessary or appropriate during registration review of these pesticide active ingredients. For additional background information, see Unit II. of the proposed rule.

EPA received six comments in response to the proposed rule. Two comments were in support of the Agency action (see <https://www.regulations.gov> for public comments identified as Document ID Nos. EPA-HQ-OPP-2023-0454-0003 and EPA-HQ-OPP-2023-0454-0007). Four comments suggested EPA eliminate redundancies but maintain tolerances on capric acid, caprylic acid, and pelargonic acid, either at the existing level or consistent with global tolerance levels (see public comments identified as Document ID Nos. EPA-HQ-OPP-2023-0454-0002, EPA-HQ-OPP-2023-0454-0004, EPA-HQ-OPP-2023-0454-0005, and EPA-HQ-OPP-2023-0454-0006). These commenters noted general concerns that consumers may assume foods are free of pesticides, that there is a potential for consumption

in large quantities, and that there may be unknown long-term effects. The existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors that the FFDCA requires EPA to consider, EPA has determined that these exemptions from the requirement of a tolerance are safe. The commenters provided no information supporting a conclusion that the exemptions for pelargonic acid, capric acid, and caprylic acid are not safe. As stated in the "Pelargonic Acid, Salts and Esters; Fatty Acid Monoesters; Capric Acid; and Caprylic Acid Combined Preliminary Work Plan and Proposed Interim Decision" (March 2022), due to low systemic toxicity and low probability of dietary (human) exposure when used according to label directions, no dietary endpoints were selected and therefore, no quantitative risk assessment was deemed necessary at the time. While there is the potential for dietary exposure, it is likely low due to the approved use patterns, and EPA has not identified any risks of concern due to the low toxicity. Therefore, the Agency's conclusions from the most recent qualitative risk assessment still apply; there are no dietary risks of concern for registered uses. The comments received on the proposal did not change the Agency's tolerance assessment and final decision.

III. Final Tolerance Actions

A. EPA's Safety Determination

As noted in the proposed rule, EPA has assessed the individual risks from exposure to capric (decanoic) acid, caprylic (octanoic) acid, and pelargonic (nonanoic) acid, as discussed in Unit III. of the proposed rule, taking into consideration all reliable data on toxicity and exposure, including for infants and children, and has included a safety finding under FFDCA section 408(b) for the tolerance actions in the proposed rule. After fully considering comments on the proposed rule, EPA is confirming the safety findings contained in Unit III. of the proposed rule.

Based on the supporting risk assessments and registration review documents, which demonstrate that the aggregate exposure for each individual chemical is below the Agency's level of concern, EPA concludes there is a reasonable certainty that no harm will result to the general population, or specifically to infants and children, from aggregate exposure to residues of

capric (decanoic) acid, caprylic (octanoic) acid, and pelargonic (nonanoic) acid (Docket ID No. EPA-HQ-OPP-2021-0336). For further detail about pesticide-specific registration review findings, see the public docket that has been opened for each pesticide, which is available online at <https://www.regulations.gov> using the docket ID number listed in Unit III. of the proposed rule.

B. Analytical Enforcement Methodology

Adequate enforcement methodology as described in the supporting documents is available to enforce the tolerance expressions.

C. Conclusion

Therefore, EPA is finalizing the tolerance action proposed in the September 6, 2024 proposed rule. Specifically, EPA is removing the redundant exemptions and limits for capric (decanoic) acid under 40 CFR 180.940(b) and (c) entirely, removing the 100 ppm limit for capric (decanoic) acid from 40 CFR 180.940(a), and removing the limit of 170 ppm under 40 CFR 180.1225 for capric (decanoic) acid. EPA is removing the redundant exemptions and limits for caprylic (octanoic) acid from 40 CFR 180.940(a) (limit of 52 ppm), (b), and (c) entirely, and removing the 100 ppm limits for caprylic (octanoic) acid from 40 CFR 180.940(a). EPA is also removing the redundant exemptions and limits for pelargonic (nonanoic) acid from 40 CFR 180.940(b) and (c) entirely, removing the 100 ppm limit for pelargonic (nonanoic) acid from 40 CFR 180.940(a), and removing the limit of 170 ppm under 40 CFR 180.1159(c) for pelargonic (nonanoic) acid.

IV. Effective and Expiration Date(s)

These tolerance actions are effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA has set an expiration date for the existing tolerance of December 10, 2025, six months after the date of publication of the final rule in the **Federal Register**, to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

V. Statutory and Executive Order Reviews

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

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408. This exemption also applies to tolerance revocations for which extraordinary circumstances do not exist. As such, this exemption applies to the tolerance revocations in this final rule because the Agency knows of no extraordinary circumstances that warrant reconsideration of this exemption for those tolerance revocations.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA, 44 U.S.C. 3501 *et seq.*, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities and that the Agency is certifying that this action will not have a significant economic impact on a substantial number of small entities because the action has no net burden on small entities subject to this rulemaking. As discussed in the proposed rule, this determination takes into account the EPA analysis for the establishment and modification of tolerances. EPA did not receive any comments on these conclusions as presented in the proposed rule.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal Government and the Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (see Unit V.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA's 2021 "Policy on Children's Health" applies to this action.

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . ." (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific registration review documents, located in each chemical docket at <https://www.regulations.gov>.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action does not meet the criteria set forth in 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 23, 2025.

Edward Messina,
Director, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.940 by:

■ a. In table 1 to paragraph (a):

■ i. Adding in alphabetical order the entries for "Capric (decanoic) acid" and "Caprylic (octanoic) acid";

■ ii. Removing the entries for "Decanoic acid" and "Nonanoic acid" and the two entries for "Octanoic acid"; and

■ iii. Adding in alphabetical order the entry for "Pelargonic (nonanoic) acid";

■ b. In the table in paragraph (b):

■ i. Adding a table heading; and

■ ii. Removing the entries for "Decanoic acid", "Nonanoic acid", and "Octanoic acid"; and

■ c. In the table in paragraph (c):

■ i. Adding a table heading; and

■ ii. Removing the entries for "Decanoic acid", "Nonanoic acid", and "Octanoic acid".

The additions read as follows:

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

* * * * *

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Pesticide chemical	CAS Reg. No.	Limits
Capric (decanoic) acid	334-48-5	None.
Caprylic (octanoic) acid	124-07-2	None.
Pelargonic (nonanoic) acid	112-05-0	None.

* * * * *

(b) * * *

Table 2 to Paragraph (b)

* * * * *

(c) * * *

Table 3 to Paragraph (c)

* * * * *

■ 3. Amend § 180.1159 by revising the section heading and revising and republishing paragraph (c) to read as follows:

§ 180.1159 Pelargonic (nonanoic) acid; exemption from the requirement of tolerances.

* * * * *

(c) An exemption from the requirement of a tolerance is established for residues of pelargonic (nonanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of pelargonic (nonanoic) acid as an antimicrobial treatment for application on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants.

■ 4. Revise and republish § 180.1225 to read as follows:

§ 180.1225 Capric (decanoic) acid; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of capric (decanoic) acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of capric (decanoic) acid as an antimicrobial treatment in solutions containing a diluted end-use concentration of capric (decanoic) acid on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies,

breweries, wineries, beverage and food processing plants.

[FR Doc. 2025-10307 Filed 6-9-25; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 20-299; FCC 24-61; FR ID 297603]

Sponsorship Identification Requirements for Foreign Government-Provided Programming

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved revisions to the information collection requirements under OMB Control Number 3060-0174, as associated with the revisions in the Federal Communications Commission's Second Report and Order: Sponsorship Identification Requirements for Foreign Government-Provided Programming, FCC 24-61 (Second R&O). The Second R&O adopted a requirement that radio and television stations broadcast clear disclosures for programming that is provided by a foreign governmental entity and set forth the procedures for exercising reasonable diligence to determine whether such a disclosure is needed. This document is consistent with the Second R&O, which states that the Commission will publish a document in the **Federal Register** announcing the effective date for these amended rule sections and revise the rules accordingly.

DATES: The amendments in instruction 3 (47 CFR 73.1212(j)(3)), published at 89 FR 57775 on July 16, 2024, are effective June 10, 2025.

FOR FURTHER INFORMATION CONTACT:

Cathy Williams, Office of the Managing Director, Federal Communications Commission, at (202) 418-2918 or Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION: This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 73.1212(j)(3) on May 19, 2025. These rule sections were adopted in the Second R&O, FCC 24-61 (89 FR 57775, July 16, 2024). The Commission publishes this document as an announcement of the effective date for these amended rules.

If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Cathy.Williams@fcc.gov. Please include the OMB Control Number in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on May 18, 2025, for the information collection requirements contained in 47 CFR 73.1212(j)(3). Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in 47 CFR 73.1212(j)(3) is 3060-0174.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0174.

Title: Sections 73.1212, 76.1615, and 76.1715, Sponsorship Identification.

Form Number: Not applicable.

Respondents: Business or other for-profit entities and Individuals or households.

Number of Respondents and

Responses: 52,760 respondents; 1,939,422 responses.

Estimated Hours per Response: 0.0011 hour–2.166 hours.

Frequency of Response:

Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 347,851 hours.

Total Annual Cost: \$2,010,723.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 303(r), 307, 317, and 325(c) of the Communications Act, as amended.

Needs and Uses: The Commission, in the Second Report and Order, FCC 24–61, takes steps to ensure clear and reasonable foreign sponsorship identification rules. Section 73.1212(j) of the Commission's rules, 47 CFR 73.1212(j), requires radio and television broadcast stations to disclose to their audiences, at the time of broadcast, when material aired pursuant to the lease of time on the station has been sponsored, paid for, or furnished by a foreign governmental entity. Section 73.1212(k) of the Commission's rules, 47 CFR 73.1212(k), imposes corresponding obligations on stations with section 325(c) permits. The Commission's authority to impose these regulations stems from section 317 of the Communications Act, which requires broadcast licensees to inform their audiences when the station has been paid to air a particular program, in furtherance of the longstanding broadcasting tenet that the public has a

right to know the identity of those that solicit its support.

The foreign sponsorship identification rules require broadcast licensees, at the time of entering or renewing a lease agreement (unless a once-a-year exception applies), to exercise reasonable diligence to ascertain whether a programming disclosure is required. To ensure that licensees are complying with their reasonable diligence and disclosure obligations, the foreign sponsorship identification rules require licensees to memorialize their required inquiries of lessees and to maintain records of their programming disclosures and their reasonable diligence efforts.

In the Second Report and Order, the Commission modified the rule's information collection requirements by adopting an approach that provides licensees with two options for demonstrating that they have met their duty of inquiry in seeking to obtain the information needed to determine whether the programming provided by a lessee is sponsored by a foreign governmental entity. The Commission designed this approach to provide licensees with as much flexibility as possible and to minimize their paperwork costs and burdens while still ensuring compliance with the reasonable diligence requirements.

One option available to licensees is the use of certifications, where both the licensee and the lessee complete a certification reflecting the communications and inquiries required under the existing rules. Licensees and lessees have the option either to use sample certification language set forth in simple, one-page, "check-box" templates appended to the Second Report and Order or to use language of the parties' own choosing. Most licensee and lessee employees should be able to complete the forms quickly and readily, based upon their existing knowledge

and understanding. It is highly unlikely that either the licensee or the lessee would need to engage in any type of research to respond to the queries contained in the certifications. Notably, these are the same inquiries the Commission adopted in the First Report and Order, only formatted now as a certification. If licensees and lessees prefer not to use the Commission's templates, they may use their own certification language, provided that language addresses the points listed in § 73.1212(j)(3)(i) through (iii) of the rules, which were adopted in the First Report and Order. The Commission granted this flexibility to alleviate or minimize costs for licensees that already had developed their own certifications based on the existing foreign sponsorship identification rules. A lessee's certification should convey the information needed to determine whether a disclosure is required and the information needed for a broadcast disclosure if one is required.

As an alternative to the certification option, licensees may choose to ask their lessees for screenshots of lessees' search results of two federal government websites (the Department of Justice's FARA database and the Commission's U.S.-based foreign media outlet report). Licensees choosing this option must still comply with all other aspects of the current rules, as they have been required to do since the compliance date of the First Report and Order. Licensees are encouraged to include in their lease agreements a requirement for lessees to provide notice of any change in status so as to trigger the need for a foreign sponsorship disclosure.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025–10478 Filed 6–9–25; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 90, No. 110

Tuesday, June 10, 2025

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1215

[Doc. No. AMS–SC–24–0038]

Updates to the Popcorn Promotion, Research, and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites comments on updates to the Popcorn Promotion, Research, and Consumer Information Order (Order). This proposal would increase the mandatory assessment rate from 5 cents per hundredweight of popcorn to 6 cents to reflect the present rate which was administratively increased in 2001 and has been charged of processors since. Additionally, subpart C would be added to the Order prescribing late payment and interest charges on past due assessments.

DATES: Comments must be received by July 10, 2025.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments may be mailed to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or submitted electronically by Email: SM.USDA.MRP.AMS.MDDComment@usda.gov; or via the internet at <https://www.regulations.gov>. Comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments will be made available for public inspection in the Office of the Docket Clerk during regular business hours or can be viewed at <https://www.regulations.gov>. Comments submitted in response to this proposed rule will be included in the rulemaking record and will be made

available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public.

FOR FURTHER INFORMATION CONTACT: George Webster, Marketing Specialist, Market Development Division, Specialty Crops Program, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; Telephone: (202) 720–8085; or Email: George.Webster@usda.gov.

SUPPLEMENTARY INFORMATION: This proposed rule affecting the Order (7 CFR part 1215) is authorized by the Popcorn Promotion, Research, and Consumer Information Act (Act) (7 U.S.C. 7481–7491).

Executive Orders 12866 and 13563

USDA is issuing this proposed rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This proposed action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866, and therefore, has not been reviewed.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. AMS has assessed the impact of this proposed rule on Indian Tribes and determined that this rule would not have Tribal implications that require consultation under Executive Order 13175. AMS hosts a quarterly teleconference with Tribal leaders where matters of mutual interest regarding the marketing of agricultural products are discussed. Information about the proposed changes to the regulations will be shared during an upcoming quarterly call, and Tribal

leaders will be informed about the proposed revisions to the regulation and the opportunity to submit comments. AMS will work with the USDA Office of Tribal Relations to ensure meaningful consultation is provided as needed with regard to these proposed changes to the Order.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988—Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

Under the Order, the Popcorn Board (Board), with USDA oversight, administers a nationally coordinated program of research, promotion, and consumer information designed to maintain and expand markets for U.S. popcorn. The program is financed by assessments on processors of more than four million pounds of popcorn annually. The Board, which is composed of five popcorn processors, unanimously recommended these proposed changes during a meeting on August 28, 2024.

Assessment Rate Increase

Currently section 1215.51(c) of the Order states that the rate of assessment shall be 5 cents per hundredweight of popcorn. This rate was administratively increased by the Board in 2001 to 6 cents per hundredweight of popcorn and has been charged of processors since. This proposal would update the assessment rate stated in the Order to accurately reflect the change that took place in 2001. This update would help eliminate any confusion amongst the industry on what the current mandatory assessment rate is.

Interest Charges on Past Due Assessments

Section 575(j) of the Act (7 U.S.C. 7484(j)) states that “The order shall contain such other terms and conditions, consistent with this subtitle, as are necessary to effectuate this subtitle, including regulations relating to the assessment of late payment charges.”

Section 1215.51(e) of the Order states that “Each person responsible for remitting assessments under paragraphs (a) and (b) of this section shall remit the amounts due from assessments to the Board on a quarterly basis no later than the last day of the month following the last month in the previous quarter in which the popcorn was marketed, in such manner as prescribed by the Board.”

Section 1215.51(f) states that “The Board shall impose a late payment charge on any person who fails to remit to the Board the total amount for which the person is liable on or before the payment due date established under this section. The amount of the late payment charge shall be prescribed in rules and regulations as approved by the Secretary.”

Section 1215.51(g) states that “The Board shall impose an additional charge on any person subject to a late payment charge, in the form of interest on the outstanding portion of any amount for which the person is liable. The rate of interest shall be prescribed in rules and regulations as approved by the Secretary.”

Currently, the Board outlines the late payment and interest fees charged on past due assessments from processors of popcorn in their Operational Policies and Procedures document; however, these fees are not detailed in the Order. This proposal would codify the Board’s ability to collect late payment and interest charges on past due assessments by creating a new section in the Order outlining these fees.

Under this proposal, a one-time late payment charge of \$250 would be

imposed on any processor who fails to pay any assessments owed within 30 calendar days of the date they are due. This one-time late payment charge would increase to \$500 after 90 days of delinquency. These late payment charge amounts were chosen by the Board after reviewing Order language of other research and promotion programs of similar size and annual assessment collections.

Additionally, 1.25 percent per month interest on any outstanding balance, including any late payment and accrued interest would be added to any accounts for which payment has not been received within 30 calendar days of when the assessments are due. This monthly interest charge was chosen by the Board to match the current language in their Operational Policies and Procedures document.

Initial Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has considered the economic impact of this proposed action on small entities that would be affected by this rule, if finalized. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory action to scale on businesses subject to such action so that small businesses will not be disproportionately burdened.

The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural producers of popcorn as those having annual receipts equal to or less than \$2.5 million (NAICS code: 111150—Corn Farming) and small agricultural service firms (processors and importers) as those having annual receipts equal to or less than \$34 million (NAICS code: 115114—Postharvest Crop Activities).

For the purpose of fitting regulatory actions to the scale of businesses for this RFA data used is from the National Agricultural Statistics Service (NASS)¹ and Popcorn Board (Board). The 2022 top five popcorn producing states according to the 2022 Census of Agriculture are Indiana, Nebraska, Illinois, Ohio, and Missouri. In 2022, Nebraska, Ohio, and Missouri had decreases in harvested acres while Indiana and Illinois saw increases compared to the 2017 Census of Agriculture. Overall, the 2022 United States total harvested acreage decreased

¹ The only NASS data available for this proposed rule is the Agricultural Survey data on parity pricing (prices farmers receive) reported annual in January and the 2022 Agricultural Census.

by roughly 7.6 percent compared to 2017.

According to the 2022 Census of Agriculture published by NASS, there are roughly 860 total farms that produced a total of 10,141,686 hundredweight (a little over 1 billion pounds) of popcorn in 2022. NASS has reported on average the 2022 parity price received for popcorn was roughly \$60.80 per hundredweight (\$0.61 per pound) of popcorn.

Taking the total hundredweight of popcorn produced in 2022, which was 10,141,686, multiplied by the parity price of \$60.80 per hundredweight, gives a total parity price revenue of roughly \$616,614,509 for the industry in 2022. Using the total parity price revenue the industry received in 2022 of roughly \$616.6 million dollars divided by the total 860 popcorn farms in 2022, assuming normal distribution, gives an average of roughly \$716,994 in revenue per farm from parity prices. Even with the potential of additional pricing being added into the parity price of popcorn per hundredweight from each producer, the average price per producer (inclusive of parity pricing) would not exceed the established revenue thresholds set by the SBA. Thus, most producers and processors of popcorn would be considered small entities and would not be disproportionately burdened.

Under the Order, the Board administers a nationally coordinated program of promotion, research, consumer information and industry information designed to strengthen the position of popcorn in the marketplace, and to maintain and expand domestic and foreign markets and uses for popcorn. The program is financed by assessments on domestic processors only who process and distribute 4 million pounds or more of popcorn annually. The current rate of assessment, established in 2001, is 6 cents per hundredweight of popcorn. The Order specifies that processors are responsible for submitting the assessment to the Board in a timely manner and maintaining records necessary to verify their reporting(s). Based on information from the Board, there are currently a total 18 processors who pay mandatory assessments into the program and 15 exempt processors (under the 4-million-pound threshold) for a total of 33.

Processors who process and distribute less than 4 million pounds of popcorn annually are exempt from this assessment. Processors that operate under an approved National Organic Program (NOP) (7 CFR part 206) system plan, process only products that are

eligible to be labeled as 100 percent organic under the NOP and are not split operations shall also be exempt from the payment of assessments.

After auditing the 2022 total mandatory assessments collected as reported by the *2018 to 2022 Evaluation of the Popcorn Board* report (page 5) located on the Board's website, the total assessments collected was \$686,339. Using the total 2022 mandatory assessment collected of \$686,339 divided by the Board's 6 cents per hundredweight mandatory assessment gives roughly the total popcorn hundredweight of 11,438,983 (roughly 1.14 billion pounds) assessed from domestic processors who processed and distributed over 4 million of popcorn annually. Some NASS data is not published to protect small producers and processors of the small domestic popcorn industry. This can account for the variance in why the total estimated 2022 hundredweight as reported by the *2018 to 2022 Evaluation of the Popcorn Board* is larger than as reported by the NASS 2022 Census of Agriculture.

This larger 2022 popcorn hundredweight as reported by the *2018 to 2022 Evaluation of the Popcorn Board* report (page 5) can be used to determine if small businesses are adversely affected by this rule. Taking this estimated total 11,438,983 hundredweight of popcorn produced in 2022 multiplied by the parity price of \$60.80 per hundredweight gives a total parity price revenue of roughly \$695,490,187 for the industry. Using the estimated total parity price revenue the industry received in 2022 of roughly \$695.5 million dollars divided by the total 860 popcorn farms in 2022 (assuming normal distribution), gives roughly an average of \$808,710 in revenue per farm from parity prices. Thus, even with this higher estimate most producers and processors of popcorn would be considered small entities and would not be disproportionately burdened by this rule. Most of the processors are classified as small businesses under the criteria established by the Small Business Administration.

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulation (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the Order have been approved previously under OMB control number 0581-0093. This rule does not result in a change to the

information collection and recordkeeping requirements previously approved.

As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to government information and services, and for other purposes.

Regarding alternatives, the Board considered not making the proposed changes to the Order and leaving it as-is. If the Order was left unchanged, the stated assessment rate would remain incorrect and would continue to cause confusion amongst the industry. By leaving the Order unchanged and not adding in language prescribing late fees and interest charges on unpaid assessments, the Board would also have trouble collecting assessments on a timely basis. After considering these potential issues, the Board decided against leaving the Order unchanged.

The Board discussed this proposal throughout 2023 and 2024, and unanimously recommended the proposed changes during their in-person meeting on August 28, 2024. The Board is made up of five processors of over four million pounds of popcorn annually.

AMS has determined that this proposed rule, if finalized, is consistent with, and would effectuate the purposes of the Act. A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this proposed rule by the date specified will be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1215

Administrative practice and procedure, Advertising, Agricultural research, Popcorn, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 1215 as follows:

PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

■ 1. The authority citation for 7 CFR part 1215 continues to read as follows:

Authority: 7 U.S.C. 7481–7491; 7 U.S.C. 7401.

§ 1215.51 [Amended]

■ 2. Amend § 1215.51 in paragraph (c) by removing the number “5” and adding in its place the number “6”.

■ 3. Add subpart C—Past Due Assessments to read as follows:

Subpart C—Past Due Assessments

Sec.

§ 1215.520 Late payment and interest charges for past due assessments.

Subpart C—Past Due Assessments

§ 1215.520 Late payment and interest charges for past due assessments.

(a) A late payment charge shall be imposed on any processor who fails to make timely remittance to the Board of the total assessments for which such processor is liable. The late payment charge will be imposed on any assessments not received within 30 calendar days of the date they are due. This one-time late payment charge shall be \$250 and will be increased to \$500 after 90 days of delinquency.

(b) In addition to the late payment charge, 1.25 percent per month interest on the outstanding balance, including any late payment and accrued interest, will be added to any accounts for which payment has not been received within 30 calendar days of the date when assessments are due. Interest will continue to accrue monthly until the outstanding balance is paid to the Board.

Erin Morris,

Administrator, Agricultural Marketing Service.

[FR Doc. 2025–10469 Filed 6–9–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0632; Airspace Docket No. 24–ASW–23]

RIN 2120–AA66

Establishment of Class E Airspace; Zuni, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Zuni, NM. The FAA is proposing this action to

support new instrument procedures and to support instrument flight rule (IFR) operations.

DATES: Comments must be received on or before July 25, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0632 and Airspace Docket No. 24–ASW–23 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instruction for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Raul Garza Jr, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5874.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Andrew Othole Memorial Airport, Zuni, NM, to support IFR operations at this airport.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT post 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–14FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in

person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface to within an 8.5-mile radius of Andrew Othole Memorial Airport, Zuni, NM.

This action is the result of instrument procedures being developed for this airport to support IFR operations.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance

with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW NM E5 Zuni, NM [Establish]

Andrew Othole Memorial Airport, NM
(Lat 35°03′38″ N, long 108°56′15″ W)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Andrew Othole Memorial Airport, and within 2 miles each side of the 069° bearing from the airport extending from the 8.5-mile radius to 14.3 miles northeast of the airport, and within 2 miles each side of the 249° bearing from the airport extending from the 8.5-mile radius to 15.9 miles southwest of the airport.

* * * * *

Issued in Fort Worth, Texas, on June 5, 2025.

Dallas W. Lantz,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2025–10529 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0932; Airspace
Docket No. 25–ASO–9]

RIN 2120–AA66

Amendment of Class D and Class E5 Airspace Over Kinston, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace at Kinston Regional Jetport at Stallings Field Airport, Kinston, NC, by updating the airport reference point (ARP) coordinates. Additionally, this proposes to amend the Class E airspace due to the currently designated airspace no longer meeting the requirements of its designation.

DATES: Comments must be received on or before July 25, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0932 and Airspace Docket No. 25–ASO–9 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:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or 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 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11J Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy

Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT:

Christopher Stocking, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5887.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E5 airspace in Kinston, NC.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the

public to better inform its rulemaking process. DOT posts these comments, without edits, 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 www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air-traffic/publications/airspace-amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Proposal

This action proposes an amendment to 14 CFR part 71 to modify the Class D and E5 airspace for Kinston Regional Jetport at Stallings Field Airport, Kinston, NC. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approaches.

This action proposes to amend the Class D airspace by updating the airport reference point coordinates (lat. 35°19'53" N, long. 77°36'32" W). The Class D airspace boundaries will otherwise remain the same, extending upward from the surface to and including 2,600 feet MSL within a 4.1-mile radius of Kinston Regional Jetport

at Stallings Field Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Additionally, this action proposes to amend the Class E5 airspace by removing that airspace that is within 2.5 miles on each side of the Kinston VORTAC 047° radial, extending from the 6.7-mile radius to 7 miles northeast of the VORTAC as this airspace no longer meets the requirements of its designation.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Kinston, NC [Amended]

Kinston Regional Jetport at Stallings Field, NC

(Lat. 35°19'53" N, long. 77°36'32" W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.1-mile radius of Kinston Regional Jetport at Stallings Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace.

* * * * *

ASO NC E5 Kinston, NC [Amended]

Kinston Regional Jetport at Stallings Field, NC

(Lat. 35°19'53" N, long. 77°36'32" W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Kinston Regional Jetport at Stallings Field.

* * * * *

Issued in College Park, Georgia, on June 4, 2025.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2025–10424 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0946; Airspace Docket No. 25–ASO–11]

RIN 2120–AA66

Amendment of Class D and E Airspace Over Hickory and Morganton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This action revises an earlier notice of proposed rulemaking (NPRM) that the FAA published in the **Federal Register** on May 22, 2025, by replacing an incorrect reference point within the Class D and Class E2 airspace

descriptions and by adding a reference to the Tawba Nondirectional Radio Beacon (NDB) to the Class E5 airspace description. This revised action continues to propose amending the Class D and Class E surface airspace at Hickory Regional Airport, Hickory NC, by increasing the radius and establishing an extension to the surface area due to standard instrument approach procedure and runway configuration changes. Additionally, this action continues to propose amending Class E airspace extending upward from 700 feet above the surface for Hickory Regional Airport, Hickory, NC by increasing the radius and adding an extension. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Comments must be received on or before July 25, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0946 and Airspace Docket No. 25–ASO–11 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, 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 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or 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 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Christopher Stocking, Operations

Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5887.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace areas.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–

14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Class D, Class E2, and Class E5 airspace areas are published in paragraphs 5000, 6002, and 6005, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

Background

On May 22, 2025 (90 FR 21874), the FAA published an NPRM for Docket No. FAA–2025–0946. Subsequent to the publication of the NPRM, the FAA identified that an incorrect reference point was used to describe the Hickory, NC, Class D and E surface areas. To correct this error, this action proposes to remove the Tawba Nondirectional Radio Beacon (NDB) from the Class D and Class E airspace description and to use Hickory Regional Airport, Hickory, NC, as the reference point. This amendment correctly places the proposed surface area extension to the southwest of the airport as intended. Additionally, it was identified after the publication of the NPRM that the Tawba NDB was omitted from the Hickory, NC, Class E airspace description. Accordingly, under this revised proposal, it will be added.

Other components of the proposal from the original NPRM remain unchanged.

The Proposal

This action proposes an amendment to 14 CFR part 71 to amend the Class D and E airspace at Hickory Regional Airport, Hickory, NC. Controlled airspace is necessary for the safety and management of IFR operations in the area for existing instrument approaches.

This action proposes to amend the Class D and Class E airspace at Hickory Regional Airport by increasing the radius from 4.1-miles to 4.6-miles and by establishing an extension to the surface area that is within 2 miles each side of the 235° bearing from Hickory Regional Airport, extending from the 4.6-mile radius of the airport to 5.2 miles southwest of the airport. The Class D and Class E airspace area are overlays of each other, and each is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Additionally, this action proposes to amend the Class E airspace by extending the radius from 6.6-miles to 7.1 miles and adding an extension that is within 3-miles each side of the 055° bearing from Tawba NDB, extending from the 7.1-mile radius of the Hickory Regional Airport to 5.7 miles northeast of the NDB.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and

Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:
Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 5000 Class D Airspace.
* * * * *

ASO NC D Hickory, NC [Amended]

Hickory Regional Airport, NC
(Lat. 35°44’28” N, long. 81°23’22” W)

That airspace extending upward from the surface to and including 3700 feet MSL within a 4.6-mile radius of Hickory Regional Airport and within 2 miles each side of the 235° bearing from Hickory Regional Airport, extending from a 4.6-mile radius of the airport to 5.2 miles southwest of the airport. This Class D airspace is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace
Designated as Surface Areas.
* * * * *

ASO NC E2 Hickory, NC [Amended]

Hickory Regional Airport, NC
(Lat. 35°44’28” N, long. 81°23’22” W)

That airspace within a 4.6-mile radius of Hickory Regional Airport and within 2 miles each side of the 235° bearing from Hickory Regional Airport, extending from a 4.6-mile radius of the airport to 5.2 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace.
* * * * *

ASO NC E5 Hickory, NC [Amended]

Hickory Regional Airport, NC
(Lat. 35°44’28” N, long. 81°23’22” W)
Tawba NDB
(Lat. 35°47’11” N, long. 81°18’19” W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Hickory Regional Airport, and within 3-miles each side of the 055° bearing from Tawba NDB, extending from the 7.1-mile radius of the Hickory Regional Airport to 5.7 miles northeast of the NDB.

* * * * *

Issued in College Park, Georgia, on June 4, 2025.

Patrick Young,
Manager, Airspace & Procedures Team North,
Eastern Service Center, Air Traffic
Organization.

[FR Doc. 2025–10431 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–0767; Airspace
Docket No. 25–AEA–5]

RIN 2120–AA66

Amendment of Class D and Class E5
Airspace; Revocation of Class E4
Airspace Dover, DE

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This action proposes to amend Class D airspace at Dover Air Force Base (AFB) due to the current designated airspace not properly containing instrument flight rule operations. Additionally, this action proposes to establish Class E surface airspace and to revoke Class E surface extension airspace extending upward from the surface above Dover AFB, Dover, DE, due to the airspace no longer meeting the specifications of its current designation. This action also proposes to amend the boundaries of Class E airspace extending upward from 700ft that no longer meets the requirements for its specific designation due to the amendment or cancellation of Standard Instrument Approach Procedures. This action would also update the coordinates for Dover AFB, Dover, DE, Delaware Airpark, Dover, DE, and the Dover TACAN.

DATES: Comments must be received on or before July 25, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2025–0767 and Airspace Docket No. 25–AEA–5 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:* Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or 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 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11J Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Christopher Stocking, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5887.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the

scope of that authority, as it would amend Class D, establish Class E2, revoke Class E4, and amend Class E5 airspace in Dover, DE.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edits, 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 www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation

Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates will be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

This action proposes an amendment to 14 CFR part 71 to amend Class D and E airspace, establish Class E airspace, and revoke Class E airspace for Dover AFB, Dover, DE.

This action proposes to amend the Class D airspace extending upward from the surface to and including 2,500 feet MSL for Dover AFB (DOV), Dover, DE, by increasing it to a 4.9-mile radius as the current radius of 4.6-miles does not properly contain instrument flight rules operations. Additionally, this proposes to amend the Class D airspace as the air traffic control tower will no longer be full-time by establishing Class E airspace that will be effective when the control tower is closed.

Accordingly, the action proposes to establish Class E surface airspace extending upward from the surface within a 4.9-mile radius of Dover AFB.

This action proposes to revoke Class E airspace extending upward from the surface within 2.7 miles each side of the Dover TACAN 177° radial extending from the 4.6-mile radius of Dover AFB to 5.7 miles south of the TACAN and within 2.7 miles each side of the Dover TACAN 013° radial extending from the 4.6-mile radius of the airport to 5.7 miles north of the TACAN and within 2.7 miles each side of the Dover TACAN 133° radial extending from the 4.6-mile radius of the airport to 5.7 miles southeast of the TACAN. This airspace no longer meets the requirements for its specific designation due to the amendment or cancellation of Standard Instrument Approach Procedures.

This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Dover AFB, Dover, DE, due to the current configuration no longer meeting the

requirements for its specific designation due to the amendment or cancellation of Standard Instrument Approach Procedures. The reconfiguration would remove that E airspace extending upward from 700 feet above the surface within 3.1 miles each side of the Dover TACAN 177° radial extending from the 7.9-mile radius to 9.2 miles south of the TACAN and the Dover TACAN 133° radial extending from the 7.9-mile radius to 9.2 miles southeast of the TACAN, leaving only the airspace within a 7.9-mile radius of Dover AFB and within a 6.3-mile radius of the Delaware Airpark and within 5.7 miles north and 4 miles south of the Smyrna VORTAC 078° radial extending from the 6.3-mile radius of Delaware Airpark to 10 miles east of the VORTAC.

Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” prior to any final regulatory action by the FAA.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11], Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA DE D Dover, DE [Amended]

Dover AFB, DE

(Lat. 39°07′46″ N, long. 75°27′57″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.9-mile radius of Dover AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA DE E2 Dover, DE [New]

Dover AFB, DE

(Lat. 39°07′46″ N, long. 75°27′57″ W)

That airspace extending upward from the surface within a 4.9-mile radius of Dover AFB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA DE E4 Dover, DE [Remove]

Dover AFB, DE

(Lat. 39°07′48″ N, long. 75°27′59″ W)

Dover TACAN

(Lat. 39°07′54″ N, long. 75°28′05″ W)

* * * * *

Paragraph 6005 Class E Airspace.

* * * * *

AEA DE E5 Dover, DE [Amended]

Dover AFB, DE

(Lat. 39°7′46″ N, long. 75°27′57″ W)

Smyrna VORTAC

(Lat. 39°13′54″ N, long. 75°30′57″ W)

Delaware Airpark, DE

(Lat. 39°13′07″ N, long. 75°36′02″ W)

That airspace extending upward from 700 feet above the surface within a 7.9-mile

radius of Dover AFB and within a 6.3-mile radius of the Delaware Airpark and within 5.7 miles north and 4 miles south of the Smyrna VORTAC 078° radial extending from the 6.3-mile radius of Delaware Airpark to 10 miles east of the VORTAC.

* * * * *

Issued in College Park, Georgia, on June 4, 2025.

Patrick Young,

Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2025–10422 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1484]

Schedules of Controlled Substances: Placement of Three Specific Fentanyl-Related Substances in Schedule I

AGENCY: Drug Enforcement

Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing three fentanyl-related substances, as identified in this proposed rule, in schedule I of the Controlled Substances Act. These three substances fall within the definition of fentanyl-related substances set forth in the February 6, 2018 temporary scheduling order. Through the Temporary Reauthorization and Study of Emergency Scheduling of Fentanyl Analogues Act, which became law on February 6, 2020, Congress extended the temporary control of fentanyl-related substances until May 6, 2021. This temporary order was subsequently extended multiple times, most recently on March 15, 2025, which extended the order until September 30, 2025. If finalized, this action would make permanent the existing regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle these three specific controlled substances.

DATES: Comments must be submitted electronically or postmarked on or before July 10, 2025.

Interested persons may file a request for a hearing or waiver of hearing pursuant to 21 CFR 1308.44 and in accordance with 21 CFR 1316.47 and/or

1316.49, as applicable. Requests for a hearing, and waivers of an opportunity for a hearing or to participate in a hearing, must be received on or before July 10, 2025

ADDRESSES: Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. To ensure proper handling of comments, please reference “Docket No. DEA-1484” on all electronic and written correspondence, including any attachments.

- **Electronic comments:** The Drug Enforcement Administration (DEA) encourages commenters to submit all comments electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Please go to <http://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

- **Paper comments:** Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- **Hearing requests:** All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be filed with the DEA Administrator, who will make the determination of whether a hearing will be needed to address such matters of fact and law in the rulemaking. Such requests must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. For informational purposes, a courtesy copy of requests for hearing and waivers of

participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

- **Paperwork Reduction Act comments:** All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to Docket No. DEA-1484.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249.

As required by 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found in the docket for this rulemaking at www.regulations.gov.

SUPPLEMENTARY INFORMATION: In this proposed rule, the Drug Enforcement Administration (DEA) proposes to permanently schedule the following three controlled substances in schedule I of the Controlled Substances Act (CSA), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- *para*-bromofentanyl (*N*-(4-bromophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide),
- *para*-fluoroacetyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide),
- *para*-methyl acetyl fentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide).

Posting of Public Comments

All comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at <http://www.regulations.gov>, unless reasonable cause is given. Such information includes personal or business identifiers (such as name, address, state of federal identifiers, etc.) voluntarily submitted by the commenter.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must

be marked “CONTAINS CONFIDENTIAL INFORMATION” and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked “TO BE PUBLICLY POSTED” and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on <https://www.regulations.gov> for public inspection. DEA generally will not redact additional information contained in the comment marked “TO BE PUBLICLY POSTED.” The Freedom of Information Act applies to all comments received.

For easy reference, an electronic copy of this document and supplemental information to this proposed scheduling action are available at <http://www.regulations.gov>.

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking “on the record after opportunity for a hearing.” Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 551–559.¹ Interested persons, as defined in 21 CFR 1300.01(b), may file requests for a hearing in conformity with the requirements of 21 CFR 1308.44(a) and 1316.47(a), and such requests must:

- (1) state with particularity the interest of the person in the proceeding;

- (2) state with particularity the objections or issues concerning which the person desires to be heard; and

- (3) state briefly the position of the person with regard to the objections or issues.

Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(c), together with a written statement of position on the matters of fact and law involved in any hearing.²

All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above. The decision whether a hearing will be needed to address such matters of fact

¹ 21 CFR 1308.41–1308.45; 21 CFR part 1316, subpart D.

² 21 CFR 1316.49.

and law in the rulemaking will be made by the Administrator. If a hearing is needed, DEA will publish a notice of hearing on the proposed rulemaking in the **Federal Register**.³ Further, once the Administrator determines a hearing is needed to address such matters of fact and law in rulemaking, he will then designate an Administrative Law Judge (ALJ) to preside over the hearing. The ALJ's functions shall only commence upon designation, as provided in 21 CFR 1316.52.

In accordance with 21 U.S.C. 811 and 812, the purpose of a hearing would be to determine whether *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl meet the statutory criteria for placement in schedule I, as proposed in this rule.

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services (HHS), or on the petition of an interested party.⁴ This proposed action is initiated on the Acting Administrator's own motion and supported by, *inter alia*, a recommendation from the Assistant Secretary for Health of HHS (Assistant Secretary for HHS or Assistant Secretary) and an evaluation of all other relevant data by DEA. If finalized, this action would make permanent the existing temporary regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle these three substances.

Background

On February 6, 2018, pursuant to 21 U.S.C. 811(h)(1), DEA published an order in the **Federal Register** (83 FR 5188) temporarily placing fentanyl-related substances, as defined in that order, in schedule I of the CSA based upon a finding that these substances pose an imminent hazard to the public safety.⁵ As discussed below in Factor 3, the three substances named in this proposed rule meet the existing definition of fentanyl-related substances as they are not otherwise controlled in any other schedule (*i.e.*, not included

under another DEA Controlled Substance Code Number) and are structurally related to fentanyl by one or more of the five modifications listed under the definition. That temporary order was effective upon the date of publication. Pursuant to 21 U.S.C. 811(h)(2), the temporary control of fentanyl-related substances, a class of substances as defined in the order, as well as the three specific substances already covered by that order, was set to expire on February 6, 2020. However, on February 6, 2020, as explained in DEA's April 10, 2020 correcting amendment,⁶ Congress extended that expiration date until May 6, 2021, by enacting the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act.⁷ This temporary order was subsequently extended multiple times, most recently on March 15, 2025,⁸ which extended the order until September 30, 2025. Consequently, the temporary control of these three substances will remain in effect until September 30, 2025, unless it is extended.

The Acting Administrator, on his own motion pursuant to 21 U.S.C. 811(a), is initiating proceedings to permanently schedule *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl in schedule I of the CSA. Pursuant to 21 U.S.C. 811(b), DEA gathered the necessary data and reviewed the available information regarding the pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and the relative potential for abuse for these substances. On March 15, 2024, in accordance with 21 U.S.C. 811(b), the then-Administrator submitted a request to the then-Assistant Secretary to provide DEA with a scientific and medical evaluation of available information and a scheduling recommendation for these three substances.

On December 27, 2024, the then-Assistant Secretary submitted HHS's scientific and medical evaluation and scheduling recommendation for *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl and their salts to the Administrator. The Secretary recommended placing these three fentanyl-related substances in schedule I of the CSA. In accordance with 21 U.S.C. 811(c), upon receipt of the scientific and medical evaluation and scheduling recommendation from HHS,

DEA reviewed the documents and all other relevant data and conducted its own eight-factor analysis of the abuse potential of these three substances.

Proposed Determination to Permanently Schedule Three Specific Fentanyl-Related Substances

As discussed in the background section, the Acting Administrator is initiating proceedings, pursuant to 21 U.S.C. 811(a), to permanently add *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl to schedule I. DEA reviewed the scientific and medical evaluation and scheduling recommendation received from HHS, and all other relevant data and conducted its own eight-factor analysis of the abuse potential of these three substances pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by HHS and DEA, and as considered by DEA in its proposed scheduling action. Readers should refer to the full eight-factor analyses prepared by HHS and by DEA in support of this proposal, which are available in their entirety under "Supporting Documents" of the public docket for this proposed rule at <http://www.regulations.gov> under Docket Number "DEA-1484."

1. The Drug's Actual or Relative Potential for Abuse

In addition to considering the information HHS provided in its scientific and medical evaluation document for these three fentanyl-related substances, DEA also considered all other relevant data regarding actual or relative potential for abuse of these three substances. The term "abuse" is not defined in the CSA; however, the legislative history of the CSA suggests that DEA consider the following criteria when determining whether a particular drug or substance has a potential for abuse:⁹

(a) *There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community; or*

(b) *There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or*

(c) *Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to*

³ 21 CFR 1308.44(b), 1316.53.

⁴ 21 U.S.C. 811(a).

⁵ *Schedules of Controlled Substances: Temporary Placement of Fentanyl-Related Substances in Schedule I*, 83 FR 5188 (Feb. 6, 2018).

⁶ *Schedules of Controlled Substances: Temporary Placement of Fentanyl-Related Substances in Schedule I; Correction*, 85 FR 20155 (Apr. 10, 2020).

⁷ Public Law 116–114, sec. 2, 134 Stat. 103.

⁸ Public Law 119–4, sec. 3105, 139 Stat. 9.

⁹ Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., Sess. 1 (1970); reprinted in 1970 U.S.C.A.N. 4566, 4603.

administer such drugs in the course of his professional practice; or

(d) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

Law enforcement seizure data indicate that individuals have and are using *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice, especially since there is no currently accepted medical use for these three substances. According to the National Forensic Laboratory Information System (NFLIS-Drug)¹⁰ database, which collects drug identification results from drug cases submitted to and analyzed by Federal, State, and local forensic laboratories, there have been 112 reports for *para*-fluoroacetyl fentanyl and *para*-methyl acetyl fentanyl between 2022 and 2024. Although *para*-bromofentanyl is yet to be reported to the NFLIS database, this substance has been positively identified in two drug paraphernalia cases, which is indicative of its illicit use. *para*-Fluoroacetyl fentanyl has been positively identified in six toxicology cases, two of which involved drug paraphernalia reported in overdose deaths, while the other four were in post-mortem cases.¹¹

According to HHS, *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are not legally marketed as

drugs in the United States or anywhere else in the world. These substances have no approved medical use other than their limited use in scientific research. As such, the legal sources of the substances are limited to legitimate chemical companies supplying them for scientific research.

para-Bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are not approved for medical use and are not formulated or approved for clinical use. As such, all use is on an individual's own initiative, rather than on the basis of medical advice from a practitioner licensed by law to administer drugs. Law enforcement seizures and case reports demonstrate that individuals are taking these three fentanyl-related substances on their own initiative, rather than on the basis of medical advice from a licensed practitioner.

Similar to fentanyl and other structurally related synthetic opioids, fentanyl-related substances namely *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl have been shown to bind to the mu-opioid receptors with varying affinities. Based on available data, *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, are related in their effects to the actions of other mu-opioid receptor (MOR) agonists,¹² such as fentanyl, that are already listed as having potential for abuse. Because high doses of MOR agonists can produce respiratory depression leading to death, these fentanyl-related substances at high doses have substantial capability of creating hazards to the health of the user or to the safety of the community. According to HHS, these three fentanyl-related substances exert their actions at least in part through the MOR and thus have a high likelihood of having substantially similar potential for abuse as other schedule I opioids. Both DEA's and HHS's eight-factor analyses found that the abuse potential of these substances is similar to other schedule I opioids and presents a hazard to the health and safety of individuals and the community.

2. Scientific Evidence of the Drug's Pharmacological Effects, if Known

According to DEA and HHS, the pharmacological activity of these substances in humans is unknown. Data obtained from preclinical studies show

that these fentanyl-related substances (*para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl) exhibit a pharmacological profile similar to that of fentanyl, morphine, and several schedule I opioid substances that are structurally related to fentanyl. Similar to fentanyl and other structurally related synthetic opioids, fentanyl-related substances namely *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl have been shown to bind to the mu-opioid receptors with varying affinities.¹³ Also, similar to fentanyl and other structurally related synthetic opioids, these three fentanyl-related substances behave as agonists at the MOR sites in *in vitro* functional studies.

Studies conducted to examine the antinociceptive effect of the three fentanyl-related substances in a warm water tail-withdrawal assay and their mediation by opioid receptors as determined by naltrexone antagonism showed these three fentanyl-related substances, similar to fentanyl and morphine, produced antinociceptive effects as measured by an increase in tail withdrawal latency.¹⁴ Pre-treatment with naltrexone, an opioid receptor antagonist, attenuated antinociceptive effects of the three-fentanyl related substances. These data demonstrate that similar to morphine and fentanyl, *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl produced dose-dependent antinociception in the warm-water tail-withdrawal assay that can be attenuated by naltrexone pre-treatment.

There is a strong correlation between the discriminative stimulus effects of a given drug in animals and its subjective effects in humans.¹⁵ Data from drug discrimination studies¹⁶ show that the three fentanyl-related substances dose-dependently substitute for the discriminative stimulus effects produced by morphine in Sprague Dawley rats trained to discriminate 3.2

¹⁰ The National Forensic Laboratory Information System (NFLIS) represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96% of an estimated 1.0 million distinct annual State and local drug analysis cases. NFLIS includes drug chemistry results from completed analyses only. While NFLIS data is not direct evidence of abuse, it can lead to an inference that a drug has been diverted and abused. See *Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV*, 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS data were queried January 6, 2025.

¹¹ The Drug Enforcement Administration's Toxicology Testing Program (DEA TOX) began in May 2019 as a surveillance program aimed at detecting new psychoactive substances (NPS) within the United States.

¹² Drug Enforcement Administration—Veterans Affairs (DEA-VA) Interagency Agreement. Binding and Functional Activity at Delta, Kappa and Mu Opioid Receptors. In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA. 2024 (unpublished data).

¹³ *In Vitro* Pharmacology data was collected through DEA—Veterans Affairs interagency agreement: “*in vitro* Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA”.

¹⁴ Gatch MB. (2024). Test of analgesic effects alone and in combination with naltrexone. 15DDHQ19F00001173, “Evaluation of Abuse Potential of Synthetic Opioids Using *In Vivo* Pharmacological Studies” (unpublished data).

¹⁵ Solinas M, Panlilio LV, Justinova Z, Yasar S, Goldberg SR. (2006). Using drug-discrimination techniques to study the abuse-related effects of psychoactive drugs in rats. *Nat Protoc*, 1(3):1194–206.

¹⁶ Drug discrimination is widely used to determine whether a new test drug or substance is pharmacologically similar to a known drug of abuse.

mg/kg morphine from saline.¹⁷ *para*-Bromofentanyl partially substituted for morphine in the drug discrimination study. According to HHS, the failure of *para*-bromofentanyl to fully-substitute for morphine may be due to its significant kappa-opioid receptor activity as demonstrated *in vitro* assay; however, the drug is still likely to have pharmacological effects similar to other fentanyl-related substances or fentanyl. These data demonstrate *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, similar to morphine (schedule II) and fentanyl (schedule II), are mu-opioid receptor agonists.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

para-Bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are synthetic opioids in the 4-anilidopiperidine structural class which includes fentanyl. As defined in the February 6, 2018, temporary scheduling order, fentanyl-related substances include any substance not otherwise controlled in any schedule (*i.e.*, not included under any other Administration Controlled Substance Code Number) that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; and/or

(E) replacement of the *N*-propionyl group by another acyl group.

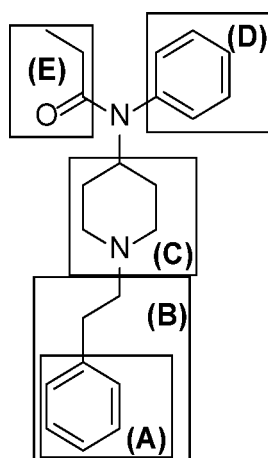


Figure 1: Regions of the Chemical Structure of Fentanyl Described in the Definition of a Fentanyl-Related Substance

According to the February 6, 2018 temporary scheduling order, the existence of a substance with anyone, or any combination, of above-mentioned modifications (see Figure 1) would meet the structural requirements of the definition of fentanyl-related substances. The present three substances fall within the definition of fentanyl-related substances by the following modifications:

1. *para*-bromofentanyl: replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle (meets definition for modification D);

2. *para*-fluoroacetyl fentanyl: replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle and replacement of the *N*-propionyl group with another acyl group (meets definition for modification D and E);

3. *para*-methyl acetyl fentanyl: replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle and replacement of the *N*-propionyl group with another acyl group (meets definition for modifications D and E).

4. Its History and Current Pattern of Abuse

Evidence suggests that the pattern of abuse of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl parallels that of prescription opioid analgesics. Currently, the United States is in the midst of an illicit opioid abuse epidemic. There has been a marked increase in the encounters of synthetic opioids that are structurally related to fentanyl that parallels an increase in

deaths related to synthetic opioids. Thus, the recreational abuse of fentanyl-like substances continues to be a significant concern. These substances are distributed to users, often with unpredictable outcomes. *para*-Fluoroacetyl fentanyl and *para*-methyl acetyl fentanyl have been encountered by law enforcement officials. *para*-Bromofentanyl and *para*-fluoroacetyl fentanyl have been positively identified in drug paraphernalia cases.

According to the NFLIS¹⁸ database, 110 reports were registered for *para*-fluoroacetyl fentanyl and two reports of *para*-methyl acetyl fentanyl from state or local forensic laboratories from 2022 to 2024. Although *para*-bromofentanyl was not specifically listed in the NFLIS database as of the date of query, between 2022 and 2023, it has been identified in at least two cases¹⁹ involving drug paraphernalia of decedents who were suspected to have died from acute fentanyl intoxication.

5. The Scope, Duration, and Significance of Abuse

The rapid appearance of fentanyl-related substances presents numerous challenges for forensic and toxicology laboratories. The identification of a new substance requires full structural elucidation, sometimes requiring specialized instrumentation not available to all forensic laboratories. Laboratories are required to quickly adapt testing procedures to identify new substances. It remains likely that the prevalence of these substances in opioid related emergency room admissions and deaths is underreported as standard immunoassays may not differentiate fentanyl from substances structurally related to fentanyl.

The population likely to abuse fentanyl-related substances overlaps with the population abusing prescription opioid analgesics, heroin, fentanyl, and other synthetic opioid substances. Because abusers of fentanyl-related substances are likely to obtain these substances through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to the end user. The misuse and abuse of opioids have been demonstrated and are well characterized. According to the most recent data from the National Survey on

¹⁸ NFLIS data were queried on January 6, 2025. NFLIS data reporting is still pending for 2023 and 2024 due to normal lag time.

¹⁹ DEA-TOX is a DEA-run program whereby unused biological samples from victims of drug overdoses can be extensively tested for the presence of novel psychoactive substances, in addition to other drugs of abuse.

¹⁷ DEA-Synthetic Opioids Purchase Agreement (2022–2024). Evaluation of synthetic opioid substances using analgesia and the drug discrimination assay. *In Vivo* Testing for the DEA by Gatch (Univ. of North Texas).

Drug Use and Health (NSDUH)²⁰ of the Substance Abuse and Mental Health Services Administration (SAMHSA),²¹ in 2023, an estimated 8.9 million people aged 12 or older misused opioids in the past year, including 8.6 million prescription pain reliever misusers and 660,000 heroin users. In 2023, among people aged 12 or older, 828,000 people misused fentanyl in the past year. NSDUH data show that among people aged 12 or older in 2023, 627,000 people used illicitly manufactured fentanyl in the past year. This population is likely to be at risk of abusing fentanyl-related substances. Individuals who initiate (*i.e.*, use a drug for the first time) use of fentanyl-related substances are likely to be at risk of developing substance use disorder, overdose, and death, similar to the risks of other opioid analgesics (*e.g.*, fentanyl, morphine, etc.).

According to HHS, it is highly likely that the prevalence of these fentanyl-related substances in emergency room admissions and fatalities is under reported because standard immunoassays may not be sufficient to distinguish between fentanyl and substances that are structurally related to fentanyl. Law enforcement and toxicology reports demonstrate *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are being illicitly distributed and abused. The use of these three fentanyl-related substances is likely to increase the scope, duration, and significance of abuse based on their pharmacological similarity to drugs that are abused in the current opioid epidemic (*e.g.*, fentanyl).

²⁰ The National Survey on Drug Use and Health, formerly known as the National Household Survey on Drug Abuse (NHSDA), is conducted annually by the Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). It is the primary source of estimates of the prevalence and incidence of nonmedical use of pharmaceutical drugs, illicit drugs, alcohol, and tobacco use in the United States. The survey is based on a nationally representative sample of the civilian, non-institutionalized population 12 years of age and older. The survey excludes homeless people who do not use shelters, active military personnel, and residents of institutional group quarters such as jails and hospitals. The NSDUH provides yearly national and state level estimates of drug abuse, and includes prevalence estimates by lifetime (*i.e.*, ever used), past year and past month abuse or dependence.

²¹ The Substance Abuse and Mental Health Services Administration (SAMHSA) is a branch of the U.S. Department of Health and Human Services (HHS). It is charged with improving the quality and availability of prevention, treatment, and rehabilitative services in order to reduce illness, death disability, and cost to society resulting from substance abuse and mental illness.

6. What, if Any, Risk There Is to the Public Health

The increase in opioid overdose deaths in the United States has been exacerbated by the availability of potent synthetic opioids such as fentanyl and numerous other structurally related substances in the illicit drug market.²² These substances have a history of being trafficked as replacements for other opioids, such as heroin and other synthetic opioids. Fentanyl is a potent synthetic opioid that is primarily prescribed for acute and chronic pain and is approximately 100 times more potent than morphine. As such, fentanyl has a high risk of abuse, dependence and overdose that can lead to death. Because fentanyl-related substances have a similar chemical structure to fentanyl, these substances are expected to have similar biological effects. Indeed, these three fentanyl-related substances produced pharmacological effects similar to fentanyl. The adverse effects of substances structurally related to fentanyl on humans are largely identical to those of fentanyl and other opioid analgesics. These fentanyl-related substances pose the same qualitative public health risks as heroin, fentanyl, and other opioid analgesic substances. The DEA Toxicology Testing Program (DEA-Tox)²³ between 2022 and 2023 identified *para*-fluoroacetyl fentanyl in six cases and *para*-bromofentanyl in two cases. Of the *para*-fluoroacetyl fentanyl cases, two involved drug paraphernalia reported in overdose deaths and the other four were in post-mortem cases. *para*-Bromofentanyl cases were positive identification in drug paraphernalia. As the data demonstrate, the potential for overdoses exists for these substances and these substances pose risk to public health.

²² Centers for Disease Control and Prevention (2024, April). Understanding the opioid overdose epidemic. <https://www.cdc.gov/overdose-prevention/about/understanding-the-opioid-overdoseepidemic.html>; Spencer, M.R., Warner, M., Cisewski, J.A., Miniño, A., Dodds, D., Perera, J., & Ahmad, F.B., Estimates of drug overdose deaths involving fentanyl, methamphetamine, cocaine, heroin, and oxycodone: United States, 2021. Vital Statistics Rapid Release (Report No. 27). National Center for Health Statistics; Zibbell, J.E., Aldridge, A., Grabenauer, M., Heller, D., Duhart Clarke, S., Pressley, D., & Smiley-McDonald, H. (2023). Associations between opioid overdose deaths and drugs confiscated by law enforcement and submitted to crime laboratories for analysis, United States, 2014–2019: An observational study. The Lancet Regional Health—Americas, 25.

²³ DEA-TOX is a DEA-run program whereby unused biological samples from victims of drug overdoses can be extensively tested for the presence of novel psychoactive substances, in addition to other drugs of abuse.

7. Its Psychic or Physiological Dependence Liability

According to HHS, the psychic or physiologic dependence of these three fentanyl-related substances has not been studied in clinical studies and is therefore unknown. HHS notes that pharmacology data for these substances as MOR agonists with known abuse potential demonstrates their property of producing physical and psychic dependence similar to other MOR agonists. The discontinuation of the use of MOR agonists, such as morphine and fentanyl (Schedule II drugs), is associated with withdrawal symptoms indicative of physical dependence. Opioid withdrawal syndrome is characterized by central nervous system irritability, gastrointestinal dysfunction, yawning, diaphoresis, and fever.²⁴ Thus, the pharmacological similarity and pattern of abuse of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are indicative of their potential to possess a psychic and physiological dependence liability similar to that of other mu opioid receptor agonist substances, such as heroin and fentanyl.

8. Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA

para-Bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are not immediate precursors of any controlled substance of the CSA, as defined by 21 U.S.C. 802(23).

Conclusion: Based on consideration of the scientific and medical evaluation and accompanying recommendation of HHS, and on DEA's own eight-factor analysis, DEA finds that these facts and all relevant data constitute substantial evidence of potential for abuse of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl. As such, DEA proposes to permanently schedule these three substances as controlled substances under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule.²⁵ After consideration of the analysis and

²⁴ Katz R, Kelly W, Hsi A. (1994). Prospective study on the occurrence of withdrawal in critically ill children who receive fentanyl by continuous-infusion. Critical Care Medicine 16:763–767.

²⁵ See 21 U.S.C. 812(b).

recommendation of the Assistant Secretary for HHS and review of all other available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 811(a) and 812(b)(1), finds that:

(1) *para*-Bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, similar to fentanyl, are mu-opioid receptor agonists. The three fentanyl-related substances have analgesic effects, and these effects are mediated by mu-opioid receptor agonism. These substances that produce mu-opioid receptor agonist effects in the CNS are considered as having a high potential for abuse (e.g. morphine and fentanyl). Data obtained from drug discrimination studies indicate that *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl substituted for the discriminative stimulus effects of morphine. Thus, these substances have a high potential for abuse.

(2) There is no Food and Drug Administration (FDA)-approved drug application for *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl in the United States. Further, there are no adequate and well-controlled clinical studies for any of these substances, and there are no well-defined finished dosage forms for any of these fentanyl-related substances. There are no known therapeutic applications for these three fentanyl-related substances, and thus they have no currently accepted medical use in the United States.²⁶

²⁶ Pursuant to 21 U.S.C. 812(b)(1)(B), when placing a drug or substance in schedule I of the CSA, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. First, DEA looks to whether the drug or substance has FDA approval. When no FDA approval exists, DEA has traditionally applied a five-part test to a drug or substance to determine whether a drug or substance has a currently medical use: i. the drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. *Marijuana Scheduling Petition; Denial of Petition; Remand*, 57 FR 10499 (Mar. 26, 1992), *pet. for rev. denied*, *Alliance for Cannabis Therapeutics v. Drug Enforcement Admin.*, 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA applied the traditional five-part test and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care providers operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that

(3) There is a lack of accepted safety for use of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl under medical supervision. Because these three substances have no FDA-approved medical use and have not been investigated as new drugs, their safety for use under medical supervision has not been determined. Therefore, there is a lack of accepted safety for use of these three substances under medical supervision.

Based on these findings, the Acting Administrator of DEA concludes that *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, warrant continued control in schedule I of the CSA.²⁷

Requirements for Handling *para*-Bromofentanyl, *para*-Fluoroacetyl Fentanyl, and *para*-Methyl Acetyl Fentanyl

As discussed above, these three fentanyl-related substances are currently subject to a temporary scheduling order, which added them to schedule I. If this rule is finalized as proposed, *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl would be subject, on a permanent basis, to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. **Registration.** Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl must be registered with DEA to conduct such activities pursuant

HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). In its eight-factor assessment, HHS determined that these three fentanyl-related substances did not satisfy this two-part test. Therefore, since both DEA and HHS have determined that these three fentanyl-related substances do not satisfy the five-part test, and HHS has determined that these three fentanyl-related substances do not satisfy the additional two-part test, DEA concludes that *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl do not have a currently accepted medical use.

²⁷ 21 U.S.C. 812(b)(1).

to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. **Security.** *para*-Bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71 through 1301.76. Non-practitioners handling these three substances also must comply with the screening requirements of 21 CFR 1301.90 through 1301.93.

3. **Labeling and Packaging.** All labels and labeling for commercial containers of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl must comply with 21 U.S.C. 825 and 958(e) and be in accordance with 21 CFR part 1302.

4. **Quota.** Only registered manufacturers are permitted to manufacture *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. **Inventory.** Any person registered with DEA to handle *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl) on hand every two years pursuant to 21 U.S.C. 827 and 958(e) and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. **Records and Reports.** Every DEA registrant must maintain records and submit reports with respect to *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, pursuant to 21 U.S.C. 827, 832(a), and 958(e), and in accordance with 21 CFR 1301.74(b) and (c) and 1301.76(b) and parts 1304, 1312, and 1317. Manufacturers and distributors would be required to submit reports regarding *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl to the Automation of Reports and Consolidated Order System pursuant 21 U.S.C. 827, and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl must comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, and 14192 (Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures done “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. DEA scheduling actions are not subject to E.O. 14192, *Unleashing Prosperity Through Deregulation*.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this proposed rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. On February 6, 2018, DEA published an order to temporarily place fentanyl-related substances, as defined in the order, in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). However, as explained in DEA’s April 10, 2020 correcting amendment,²⁸ Congress extended that expiration date until May 6, 2021, by enacting the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act.²⁹ This temporary order was subsequently extended multiple times, most recently on March 15, 2025, which extended the order until September 30, 2025.³⁰ DEA estimates that all entities handling or planning to handle *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl have already established and implemented systems and processes required to handle these substances which meet the definition of fentanyl-related substances.

There are currently 173 registrations authorized to specifically handle the fentanyl-related substances as a class, which include one or more of the following substances: *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. Some of these entities are likely to be large entities. However, since DEA does not have information of registrant size, DEA conservatively assumes all of 173

registrants affected by this rulemaking are small entities.

A review of the 173 registrations indicates that all entities that currently handle *para*-bromofentanyl, *para*-fluoroacetyl fentanyl, and *para*-methyl acetyl fentanyl also handle other schedule I controlled substances and have established and implemented (or maintained) systems and processes required to handle these substances. Therefore, DEA anticipates that this proposed rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the 173 affected small entities. Therefore, DEA has concluded that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year” Therefore, neither a Small Government Agency Plan nor any other action is required under the UMRA of 1995.

Paperwork Reduction Act of 1995

This proposed rule would not impose a new collection or modify an existing collection of information under the Paperwork Reduction Act of 1995.³¹ Also, this proposed rule would not impose new or modify existing recordkeeping or reporting requirements on state or local governments, individuals, businesses, or organizations. However, this proposed rule would require compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. 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.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

²⁸ *Schedules of Controlled Substances: Temporary Placement of Fentanyl-Related Substances in Schedule I; Correction*, 85 FR 20155 (Apr. 10, 2020).

²⁹ Public Law 116–114, sec. 2, 134 Stat. 103.

³⁰ Public Law 119–4, sec. 3105, 139 Stat. 9.

³¹ 44 U.S.C. 3501–3521.

For the reasons set out above, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Redesignate paragraphs (b)(89) through (110) as (b)(92) through (113);

■ b. Redesignate paragraphs (b)(84) through (b)(88) as (b)(86) through (90);

■ c. Redesignate paragraphs (b)(83) as (b)(84); and

■ d. Add new paragraphs (b)(83), (b)(85), and (b)(91);

The additions to read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

	*	*	*	*	*	*	*
(83) <i>para</i> -bromofentanyl (<i>N</i> -(4-bromophenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)propionamide)							9872
	*	*	*	*	*	*	*
(85) <i>para</i> -fluoroacetyl fentanyl (<i>N</i> -(4-fluorophenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)acetamide)							9874
	*	*	*	*	*	*	*
(91) <i>para</i> -methyl acetyl fentanyl (<i>N</i> -(4-methylphenyl)- <i>N</i> -(1-phenethylpiperidin-4-yl)acetamide)							9875
	*	*	*	*	*	*	*

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on June 2, 2025, by Acting Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,
Federal Register Liaison Officer, Drug Enforcement Administration.
[FR Doc. 2025–10372 Filed 6–9–25; 8:45 am]
BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA1146]

Schedules of Controlled Substances: Placement of 3-Methoxyphencyclidine (1-[1-(3-methoxyphenyl)cyclohexyl]piperidine) in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes placing 3-methoxyphencyclidine, including its

salts, isomers, and salts of isomers, an arylcyclohexylamine hallucinogen, in schedule I of the Controlled Substances Act. This action is proposed to enable the United States to meet its obligations under the 1971 Convention on Psychotropic Substances. If finalized, this action would impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis with, or possess), or propose to handle 3-methoxyphencyclidine.

DATES: Comments must be submitted electronically or postmarked on or before July 10, 2025. Interested persons may file written comments on this proposal in accordance with 21 CFR 1308.43(g). The electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Requests for a hearing and waivers of an opportunity for a hearing or to participate in a hearing, together with a written statement of position on the matters of fact and law involved in the hearing, must be received on or before July 10, 2025.

ADDRESSES: Interested persons may file written comments on this rulemaking in accordance with 21 CFR 1308.43(g). To ensure proper handling of comments, please reference “Docket No. DEA1146” on all correspondence, including any attachments.

• *Electronic comments:* The Drug Enforcement Administration (DEA) encourages commenters to submit all comments electronically through the Federal eRulemaking Portal, which

provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

• *Paper comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment *in lieu* of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

• *Hearing requests:* All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law asserted in the hearing, must be filed with the DEA Administrator, who will make the determination of whether a hearing will be needed to address such matters of fact and law in the rulemaking. Such requests must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. For informational purposes, a courtesy copy of requests for hearing and waivers of participation should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration,

Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT:

Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249. As required by 5 U.S.C. 553(b)(4), a summary of this rule may be found in the docket for this rulemaking at www.regulations.gov.

SUPPLEMENTARY INFORMATION: In this proposed rule, the Drug Enforcement Administration (DEA) proposes to schedule 3-methoxyphencyclidine (1-[1-(3-methoxyphenyl)cyclohexyl]piperidine; 3-MeO-PCP) in schedule I of the Controlled Substances Act (CSA), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. DEA will make comments available for public inspection online at <https://www.regulations.gov>. Such information includes personal identifying information (such as your name, address, State or Federal identifiers, etc.) voluntarily submitted by the commenter. In general, all information voluntarily submitted by the commenter, unless clearly marked as Confidential Information in the method described below, will be publicly posted. Comments may be submitted anonymously. The Freedom of Information Act applies to all comments received.

Commenters submitting comments which include personal identifying information (PII), confidential, or proprietary business information that the commenter does not want made publicly available should submit two copies of the comment. One copy must be marked "CONTAINS CONFIDENTIAL INFORMATION" and should clearly identify all PII or business information the commenter does not want to be made publicly available, including any supplemental materials. DEA will review this copy, including the claimed PII and confidential business information, in its consideration of comments. The second copy should be marked "TO BE PUBLICLY POSTED" and must have all claimed confidential PII and business information already redacted. DEA will post only the redacted comment on

<https://www.regulations.gov> for public inspection.

For easy reference, an electronic copy of this document and supplemental information to this proposed rule are available at <https://www.regulations.gov>.

Request for Hearing or Appearance; Waiver

Pursuant to 21 U.S.C. 811(a), this action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of the Administrative Procedure Act (APA).¹ Interested persons, as defined in 21 CFR 1300.01(b), may file requests for a hearing in conformity with the requirements of 21 CFR 1308.44(a) and 1316.47(a), and such requests must:

- (1) state with particularity the interest of the person in the proceeding;
- (2) state with particularity the objections or issues concerning which the person desires to be heard; and
- (3) state briefly the position of the person with regard to the objections or issues.

Any interested person may file a waiver of an opportunity for a hearing or to participate in a hearing in conformity with the requirements of 21 CFR 1308.44(c), together with a written statement of position on the matters of fact and law involved in any hearing.²

All requests for a hearing and waivers of participation, together with a written statement of position on the matters of fact and law involved in such hearing, must be sent to DEA using the address information provided above. The decision whether a hearing will be needed to address such matters of fact and law in the rulemaking will be made by the Administrator. If a hearing is needed, DEA will publish a notice of hearing on the proposed rulemaking in the **Federal Register**.³ Further, once the Administrator determines a hearing is needed to address such matters of fact and law in rulemaking, he will then designate an Administrative Law Judge (ALJ) to preside over the hearing. The ALJ's functions shall commence upon designation, as provided in 21 CFR 1316.52.

In accordance with 21 U.S.C. 811 and 812, the purpose of a hearing would be to determine whether 3-MeO-PCP meets the statutory criteria for placement in schedule I.

¹ 5 U.S.C. 551-559. 21 CFR 1308.41-1308.45; 21 CFR part 1316, subpart D.

² 21 CFR 1316.49.

³ 21 CFR 1308.44(b), 1316.53.

Legal Authority

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (delegated to the Administrator of DEA pursuant to 28 CFR 0.100) on his own motion. 21 U.S.C. 811(a). This proposed action is supported by a recommendation from the then Assistant Secretary for Health of the Department of Health and Human Services (HHS).

In addition, the United States is a party to the 1971 United Nations Convention on Psychotropic Substances (1971 Convention), February 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, as amended. Procedures respecting changes in drug schedules under the 1971 Convention are governed domestically by 21 U.S.C. 811(d)(2)-(4). When the United States receives notification of a scheduling decision pursuant to Article 2 of the 1971 Convention indicating that a drug or other substance has been added to a schedule specified in the notification, the Secretary of HHS (Secretary),⁴ after consultation with the Attorney General, shall first determine whether existing legal controls under subchapter I of the Controlled Substances Act (CSA) and the Federal Food, Drug, and Cosmetic Act meet the requirements of the schedule specified in the notification with respect to the specific drug or substance.⁵ In the event that the Secretary did not so consult with the Attorney General, and the Attorney General did not issue a temporary order, as provided under 21 U.S.C. 811(d)(4), the procedures for permanent scheduling set forth in 21 U.S.C. 811(a) and (b) control. Pursuant to 21 U.S.C. 811(a)(1), the Attorney General (as delegated to the Administrator of DEA) may, by rule, add to such a schedule or transfer between such schedules any drug or other substance, if he finds that such drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b) for the schedule in which such drug or other substance is to be placed.

⁴ As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), FDA acts as the lead agency within HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518 (March 8, 1985). The Secretary has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460 (July 1, 1993).

⁵ 21 U.S.C. 811(d)(3).

Background

3-Methoxyphencyclidine (1-[1-(3-methoxyphenyl)cyclohexyl]piperidine; 3-MeO-PCP) is an arylcyclohexylamine that has been identified in the United States' illicit drug market. It is a 3-methoxy derivative of phencyclidine (PCP; schedule II substance) and produces similar hallucinogenic effects as PCP. 3-MeO-PCP has no approved medical use in the United States.

On June 10, 2021, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs (CND), during its 64th Session in April 2021, voted to place 3-MeO-PCP in Schedule II of the 1971 Convention (CND Decision 64/4). As a signatory to this international treaty, the United States is required, by scheduling under the CSA, to place appropriate controls on 3-MeO-PCP to meet the minimum requirements of the treaty. The relevant treaty provisions and domestic statutes executing those provisions are below.

To begin, Article 2, paragraph 7(b), of the 1971 Convention sets forth the minimum requirements that the United States must meet when a substance has been added to Schedule II of the 1971 Convention. Pursuant to the 1971 Convention, the United States must require licenses for the manufacture, export and import, and distribution of 3-MeO-PCP. The CSA's registration requirement as set forth in 21 U.S.C. 822, 823, 957, and 958, as well as implementing regulations in 21 CFR parts 1301 and 1312, set forth this licensing requirement.

In addition, the United States must adhere to specific export and import provisions that are provided in the 1971 Convention. The CSA's export and import provisions established in 21 U.S.C. 952, 953, 957, and 958, and implemented in 21 CFR part 1312, execute these requirements.

Likewise, under Article 13, paragraphs 1 and 2, of the 1971 Convention, a party to the 1971 Convention may notify another party, through the UN Secretary-General, that it prohibits the importation of a substance in Schedule II, III, or IV of the 1971 Convention. If such notice is presented to the United States, the United States shall take measures to ensure that the named substance is not exported to the country of the notifying party. The CSA's above-mentioned export provisions set forth these procedures.

Further, under Article 16, paragraph 4, of the 1971 Convention, the United States is required to provide annual statistical reports to the International

Narcotics Control Board (INCB). Using INCB Form P, the United States shall provide the following information: (1) In regard to each substance in Schedule I and II of the 1971 Convention, quantities manufactured, exported to and imported from each country or region as well as stocks held by manufacturers; (2) in regard to each substance in Schedule III and IV of the 1971 Convention, quantities manufactured, as well as quantities exported and imported; (3) in regard to each substance in Schedule II and III of the 1971 Convention, quantities used in the manufacture of exempt preparations; and (4) in regard to each substance in Schedule II–IV of the 1971 Convention, quantities used for the manufacture of non-psychotropic substances or products.

Lastly, under Article 2, paragraph 7(b)(vi) of the 1971 Convention, the United States must adopt measures in accordance with Article 22 to address violations of any statutes or regulations that are adopted pursuant to its obligations under the 1971 Convention. The United States complies with this provision, as persons acting outside the legal framework established by the CSA are subject to administrative, civil, and/or criminal action.

DEA notes that there are differences between the schedules of substances in the 1971 Convention and the CSA. The CSA has five schedules (schedules I–V) with specific criteria set forth for each schedule. Schedule I is the only possible schedule in which a drug or other substance may be placed if it has high potential for abuse and no currently accepted medical use in treatment in the United States. See 21 U.S.C. 812(b). In contrast, the 1971 Convention has four schedules (Schedules I–IV) but does not have specific criteria for each schedule. The 1971 Convention simply defines its four schedules, in Article 1, to mean the correspondingly numbered lists of psychotropic substances annexed to the Convention, and altered in accordance with Article 2.

Proposed Determination to Schedule 3-MeO-PCP

Pursuant to 21 U.S.C. 811(b), DEA gathered the necessary data on 3-MeO-PCP and on October 25, 2021, submitted it to the then Assistant Secretary for Health of HHS with a request for a scientific and medical evaluation of available information and a scheduling recommendation for 3-MeO-PCP. On November 15, 2022, HHS provided to DEA a scientific and medical evaluation entitled “Basis for the Recommendation to Control 1-[1-(3-

Methoxyphenyl)cyclohexyl]piperidine and its Salts in Schedule I of the Controlled Substances Act” and a scheduling recommendation. Following consideration of the eight factors and findings related to these substances' abuse potential, legitimate medical use, and dependence liability, HHS recommended that 3-MeO-PCP and its salts be controlled in schedule I of the CSA under 21 U.S.C. 812(b).

In response, DEA reviewed the scientific and medical evaluation and scheduling recommendation provided by HHS and all other relevant data, and completed its own eight-factor review pursuant to 21 U.S.C. 811(c). Included below is a brief summary of each factor as analyzed by HHS and DEA in their respective eight-factor analyses, and as considered by DEA in this proposed scheduling determination. Please note that both the DEA and HHS analyses, including the evaluation of the eight factors determinative of control along with their supporting data and citations, are available in their entirety under “Supporting Documents” of the public docket for this proposed rule at <https://www.regulations.gov> under docket number “DEA–1146.”

1. The Drug's Actual or Relative Potential for Abuse

In addition to considering the information HHS provided in its scientific and medical evaluation document for 3-MeO-PCP, DEA also considered all other relevant data regarding actual or relative potential for abuse of 3-MeO-PCP. The term “abuse” is not defined in the CSA; however, the legislative history of the CSA suggests the consideration of the following four criteria in determining whether a particular drug or substance has a potential for abuse:⁶

a. Individuals are taking the drug or other substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community; or

b. There is a significant diversion of the drug or other substance from legitimate drug channels; or

c. Individuals are taking the drug or other substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such substance; or

d. The drug or substance is so related in its action to a drug or other substance already listed as having a potential for abuse to make it likely that it will have

⁶ Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444, 91st Cong., 2nd Sess. (1970) reprinted in 1970 U.S.C.A.N. 4566, 4603.

the same potential for abuse as such substance, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

DEA reviewed the scientific and medical evaluation provided by HHS and all other data relevant to the abuse potential of 3-MeO-PCP. These data as presented below demonstrate that 3-MeO-PCP has a high potential for abuse.

a. There is evidence that individuals are taking the drug or other substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or to the community.

Data show that 3-MeO-PCP has been encountered by law enforcement in the United States (see Factor 5 below, discussing evidence of abuse in the United States), indicating 3-MeO-PCP is available for abuse. Non-fatal and fatal intoxications have been reported in the United States and Europe. The 2020 European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)⁷ report on 3-MeO-PCP mentioned 19 cases of severe intoxication that resulted in hospitalization and 21 confirmed deaths (by analysis of postmortem biological samples). 3-MeO-PCP was determined to be the cause of death in at least seven of those cases (WHO, 2020). According to HHS, individuals are using 3-MeO-PCP for its hallucinogenic effects and taking it in amounts sufficient to create a hazard to their health.

b. There is significant diversion of the drug or substance from legitimate drug channels.

HHS states that 3-MeO-PCP is not a Food and Drug Administration (FDA)-approved drug for treatment in the United States and is unaware of any country in which its use is legal. 3-MeO-PCP is available for purchase from legitimate chemical synthesis companies because it is used in scientific research.

EMCDDA reported drug seizures of 3-MeO-PCP from 12 countries, including several European countries (Lithuania, Romania, Italy, Spain, Latvia, Austria, Slovenia, and France) and noted that 24 countries had the capability to detect 3-MeO-PCP in drug samples (WHO, 2020).

NFLIS-Drug⁸ data reflects that 3-MeO-PCP is present in the U.S. drug

market. DEA interprets this to mean that 3-MeO-PCP is being abused domestically as a recreational drug. From January 2011 to August 2024, NFLIS-Drug registered 399 reports from several states pertaining to the trafficking, distribution, and abuse of 3-MeO-PCP. These encounters of 3-MeO-PCP by law enforcement indicate that this substance is being trafficked in the United States.

c. Individuals are taking the substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such substance.

3-MeO-PCP is not an FDA-approved drug product and practitioners may neither legally prescribe nor dispense these substances. Therefore, it is inferred that individuals are taking 3-MeO-PCP on their own initiative, rather than based on medical advice from practitioners licensed by law to administer drugs. This is consistent with the data from law enforcement seizures and case reports, discussed in greater detail in Factor 5.

d. The drug or substance is so related in its action to a drug or other substance already listed as having a potential for abuse to make it likely that the drug or substance will have the same potential for abuse as such drugs, thus making it reasonable to assume that there may be significant diversion from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

3-MeO-PCP is a synthetic arylcyclohexylamine and is a 3-methoxy analogue of the abused drug phencyclidine (PCP; schedule II) and has pharmacological properties similar to other arylcyclohexylamines such as PCP and ketamine (schedule III). Both the DEA and the HHS analyses concluded that 3-MeO-PCP is being abused for its hallucinogenic effects.

PCP is a hallucinogen with a long history of abuse with clinical effects that include dissociation and euphoria. 3-MeO-PCP has a similar pharmacological profile to PCP, where the primary mechanism of action is thought to be on glutamatergic neurotransmission. Glutamate is the major excitatory

into illegal markets. NFLIS is a comprehensive information system that includes data from forensic laboratories that handle more than 96% of an estimated 1 million distinct annual state and local drug analysis cases. NFLIS includes drug chemistry results only from completed analyses. Although NFLIS-Drug data are not direct evidence of abuse, they can lead to an inference that a drug has been diverted and abused. See 76 FR 77330, 77332 (Dec. 12, 2011). NFLIS-Drug data was queried on September 6, 2024.

neurotransmitter system in the brain. *In vitro* binding studies show that 3-MeO-PCP binds to the glutamatergic N-methyl-D-aspartate (NMDA) receptor and acts as an antagonist with higher potency compared to PCP (schedule II) and ketamine (schedule III). As a result, 3-MeO-PCP is expected to have a high abuse potential and pose a high risk to public health (HHS, 2022).

Due to the psychological and cognitive disturbances associated with 3-MeO-PCP, as with other similar schedule II and III hallucinogens noted above, it is reasonable to conclude that 3-MeO-PCP has substantial capability to be a hazard to the health of the user and to the safety of the community.

2. Scientific Evidence of the Drug's Pharmacological Effects, If Known

3-MeO-PCP is a novel psychoactive substance with a mechanism of action similar to PCP that produces psychopharmacological effects similar to other dissociative amnestic drugs such as PCP and ketamine. Based on non-clinical *in vitro* studies, 3-MeO-PCP has higher affinity for the NMDA receptor and acts as an antagonist, suggesting it may have greater potency than PCP or ketamine. 3-MeO-PCP also interacts with monoamine transmission through binding at the serotonin transporter and increasing serotonin transmission. Non-clinical *in vivo* studies show 3-MeO-PCP acts as a NMDA receptor antagonist through the Maximal Electroshock Seizure (MES) test and substitutes for PCP in drug discrimination. Although no clinical studies have been performed for 3-MeO-PCP, case reports show that the effects of 3-MeO-PCP are similar to abuse or intoxication with PCP.

3. The State of Current Scientific Knowledge Regarding the Drug or Other Substance

3-MeO-PCP is a centrally-acting hallucinogen that is part of the arylcyclohexylamine hallucinogen family and shares structural similarities with schedule II and III phenethylamine hallucinogens such as PCP and ketamine. 3-MeO-PCP (Chemical Abstracts Service Registry Number 72242-03-6) has a molecular formula of C₁₈H₂₇NO and a molecular weight of 273.41 g/mol. The half-life of 3-MeO-PCP is estimated to be 10–11 hours. 3-MeO-PCP undergoes extensive metabolism, such that at least 30 phase I and II metabolites can be generated. Globally, there have been at least 19 cases of severe intoxication that required hospitalization and 21 deaths, where 3-MeO-PCP was identified in the blood of the decedent. In at least seven

⁷ The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is an agency of the European Union tasked with gathering and analyzing data of drug trends.

⁸ NFLIS-Drug represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals

of those deaths, 3-MeO-PCP was listed as the cause of death. HHS notes that in many of the cases reported by the WHO, other drugs of abuse were also identified clouding the direct toxicity of 3-MeO-PCP, and there is not sufficient information otherwise available to provide specific toxicity information regarding 3-MeO-PCP since its usage was primarily with other substances or lacking poly substance use information.

4. Its History and Current Pattern of Abuse

3-MeO-PCP is a relatively new drug in the drug abuse and drug trafficking setting, and thus, there is relatively little information related to its history and pattern of abuse. The World Health Organization (WHO) reports that 3-MeO-PCP has been available in Europe since 2010. Distribution and trafficking of 3-MeO-PCP began increasing in 2011 (WHO, 2020). The history and current pattern of abuse of 3-MeO-PCP is described in law enforcement reports and anecdotal reports by drug abusers. In the United States, law enforcement entities initially encountered 3-MeO-PCP in 2011, according to the National Forensic Laboratory Information System (NFLIS)-Drug⁹ database. See Factor 5 for additional information.

HHS noted that since 3-MeO-PCP is an analogue of PCP with similar mechanisms of action, the extensive history and pattern of PCP abuse may be appropriate to inform on the potential pattern of abuse of 3-MeO-PCP. The 2011 Substance Abuse and Mental Health Services Administration reported 75,538 emergency department visits related to PCP use. The 2011 National Survey on Drug Use and Health data showed that 6.1 million Americans, 12 years or older, reported using PCP in their lifetime. A case series study conducted at a tertiary care center reported patients with PCP intoxication tended to be young males who presented with signs and symptoms of retrograde amnesia, nystagmus, hypertension, and agitation. Coadministration with other substances

was common (*e.g.*, benzodiazepines, alcohol, marijuana, cocaine).

5. The Scope, Duration, and Significance of Abuse

3-MeO-PCP has pharmacological effects similar to the schedule II hallucinogen PCP (with higher potency) and has no currently accepted medical use in the United States or anywhere in the world. HHS states (2022) it is not associated with an investigational new drug application or an approved new drug application.

In the United States, evidence of abuse of 3-MeO-PCP initially appeared in 2011, one year later than was reported by the EMCDDA. Since then, reports of worldwide abuse have increased substantially. According to the WHO Critical Review Report published in 2020, 15 countries reported that 3-MeO-PCP was being used by individuals for its psychoactive properties. The WHO document also reported a total of 314 drug seizures from 2018–2020. Within the United States, from January 2011 to August 2024, there were 399 exhibits reported to the NFLIS-Drug database, which show evidence of trafficking, distribution, and abuse of 3-MeO-PCP in 33 states.

Case reports and case series of abuse and deaths associated with 3-MeO-PCP have been published globally. 3-MeO-PCP is typically abused orally and by insufflation (sniffing or snorting), but has also been reported to be smoked, inhaled, or vaporized. It is often used with other substances (*e.g.*, benzodiazepines, cannabinoids). Clinical effects from 3-MeO-PCP are similar to other abused arylcyclohexylamines hallucinogens (*e.g.*, PCP) and include confusion, dissociation, hallucinations, sedation through agitation, disinhibition, euphoria, cognitive changes, sensory changes, motor changes, and cardiovascular effects (*e.g.*, hypertension and tachycardia).

Abuse of 3-MeO-PCP has been characterized as causing acute public health and safety issues worldwide. The WHO reported that 3-MeO-PCP has been available in Europe since 2010. Based on available abuse data, public health risk, and drug trafficking data, the WHO recommended to the United Nations (UN) that 3-MeO-PCP be controlled

internationally. In April 2021, the UN Commission on Narcotic Drugs voted to place 3-MeO-PCP into Schedule II of the 1971 Convention.

6. What, if Any, Risk There Is to the Public Health

3-MeO-PCP shares similar mechanisms of action with and produces similar physiological and subjective effects (see Factor 2 for more information) as other schedule II and III hallucinogens, such as PCP and ketamine. Thus, 3-MeO-PCP poses the same risks to public health as similar hallucinogens. Predominantly, the risks to public health are borne by users (*i.e.*, hallucinogenic effects, sensory distortion, impaired judgement, strange or dangerous behaviors), but they can affect the general public, as with driving under the influence. There have been reports of distressing responses and death associated with 3-MeO-PCP in medical literature, many of which, but not all, report poly-substance use. Adverse events associated with 3-MeO-PCP have been reported and include, but not limited to, hypertension, confusion, dissociation, hallucinations, tachycardia, nystagmus, respiratory acidosis, hypothermia, coma, and death. The 2020 review published by the WHO noted at least 19 cases of severe intoxications occurred after use of 3-MeO-PCP that required hospitalization and 21 deaths were reported where 3-MeO-PCP was confirmed in blood samples. At least seven of those deaths were attributed to 3-MeO-PCP as the cause of death. Thus, based on the review of both HHS and DEA, serious adverse events that may include death represent a risk to the individual drug users and to public health.

7. Its Psychic or Physiological Dependence Liability

HHS noted that a study with 4-MeO-PCP (a structural isomer) does produce rewarding (conditioned place preference) and reinforcing effects (self-administration) through activation of the mesolimbic dopamine reward pathway in rats. Therefore, HHS concluded that it is likely that 3-MeO-PCP produces similar effects in rats. The only literature available on human exposure to 3-MeO-PCP is based on case study reports, two of which indicate long-term use of 3-MeO-PCP.

⁹NFLIS-Drug is a national forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by state and local forensic laboratories in the United States. NFLIS-Drug data were queried on September 6, 2024.

HHS noted that no studies have evaluated the dependence potential of 3-MeO-PCP. However, 3-MeO-PCP has similar pharmacological properties of PCP (schedule II) and ketamine (schedule III), which do have well-demonstrated dependence potential. Thus, the HHS and DEA reviews both concluded that it is probable that 3-MeO-PCP has a dependence profile similar to these known substances.

8. Whether the Substance Is an Immediate Precursor of a Substance Already Controlled Under the CSA

3-MeO-PCP is not an immediate precursor of any controlled substance of the CSA as defined by 21 U.S.C. 802(23).

Conclusion

Based on consideration of the scientific and medical evaluation and accompanying recommendation of HHS, and on DEA's own eight-factor analysis, DEA finds that these facts and all relevant data constitute substantial evidence of potential for abuse of 3-MeO-PCP. As such, DEA proposes to schedule 3-MeO-PCP as a controlled substance under the CSA.

Proposed Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule, per 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for Health of HHS and review of all other available data, the Acting Administrator of DEA, pursuant to 21 U.S.C. 812(b)(1), finds that:

(1) *3-MeO-PCP has a high potential for abuse.*

3-MeO-PCP is a synthetic arylcyclohexylamine, chemically related and pharmacologically similar to the ethylamine analog of phencyclidine (PCE; schedule I), the thiophene analog of phencyclidine (TCP; schedule I), phencyclidine (PCP, schedule II), and ketamine (schedule III). 3-MeO-PCP, similar to PCP and ketamine, produces dissociative anesthetic and hallucinogenic effects.

3-MeO-PCP has a pharmacological profile similar to other arylcyclohexylamines, such as PCP (schedule II) and ketamine (schedule III). Binding studies demonstrate a similar mechanism of action (*i.e.*, NMDA receptor antagonism) and case reports indicate that 3-MeO-PCP clinically resembles PCP intoxication

(*i.e.*, hallucinogenic effects). Little evidence exists regarding 3-MeO-PCP direct psychic or physiologic dependence liability; 3-MeO-PCP fully substituted for PCP in drug discrimination studies. However, it can be assumed from the above evidence (Factor 7) that 3-MeO-PCP has a physical dependence liability similar to these controlled substances, with evidence of dependence potential.

(2) *3-MeO-PCP has no currently accepted medical use in treatment in the United States.*

3-MeO-PCP is not legally marketed in the United States, as the FDA has not approved a marketing application for a drug product containing 3-MeO-PCP for any indication. As noted in the HHS review, 3-MeO-PCP lacks current marketing approval under a new drug application or an abbreviated new drug application, and is not subject to an investigational new drug application. There is no evidence that 3-MeO-PCP has a currently accepted medical use in treatment in the United States.¹⁰

¹⁰ To place a drug or other substance in schedule I under the CSA, DEA must consider whether the substance has a currently accepted medical use in treatment in the United States. 21 U.S.C. 812(b)(1)(B). There is no evidence suggesting that 3-MeO-PCP has a currently accepted medical use in treatment in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug that has not been approved by FDA: i. The drug's chemistry must be known and reproducible; ii. there must be adequate safety studies; iii. there must be adequate and well-controlled studies proving efficacy; iv. the drug must be accepted by qualified experts; and v. the scientific evidence must be widely available. *Marijuana Scheduling Petition; Denial of Petition; Remand*, 57 FR 10499 (Mar. 26, 1992), *pet. for rev. denied*, *Alliance for Cannabis Therapeutics v. Drug Enforcement Admin.*, 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA and HHS applied the traditional five-part test for currently accepted medical use in this matter. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care practitioners operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which the part 1 is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this proposed rule, there is no evidence that health care providers have widespread experience with medical use of 3-MeO-PCP, or that the use of 3-MeO-PCP is recognized by entities that regulate the practice of medicine under either the traditional five-part test or the two-part test.

(3) *There is a lack of accepted safety for use of 3-MeO-PCP under medical supervision.*

Because 3-MeO-PCP has no approved medical use and has not been thoroughly investigated as a new drug, its safety for use under medical supervision is not determined. Thus, there is a lack of accepted safety for use of this substance under medical supervision.

Based on these findings, the Acting Administrator of DEA concludes that 3-MeO-PCP warrants control in schedule I of the CSA. More precisely, because of its hallucinogenic effects, and because it may produce hallucinogenic-like dependence in humans, DEA proposes to place 3-MeO-PCP, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical description, in 21 CFR 1308.11(d) (the hallucinogenic substances category of schedule I).

Requirements for Handling 3-MeO-PCP

If this rule is finalized as proposed, 3-MeO-PCP would be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses) 3-MeO-PCP would need to be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* 3-MeO-PCP would be subject to schedule I security requirements, and handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71–1301.76. Non-practitioners handling this substance also would need to comply with the screening requirements of 21 CFR 1301.90–1301.93.

3. *Labeling and Packaging.* All labels and packaging for commercial containers of 3-MeO-PCP would need to comply with 21 U.S.C. 825, and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers would be permitted to manufacture 3-MeO-PCP in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Any person registered with DEA to handle 3-MeO-PCP would need to have an initial inventory of all

stocks of controlled substances (including this substance) on hand on the effective date of a final scheduling action pursuant to 21 U.S.C. 827, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant would need to take a new inventory of all stocks of controlled substances (including 3-MeO-PCP) on hand every two years pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant would need to maintain records and submit reports with respect to 3-MeO-PCP, pursuant to 21 U.S.C. 827 and 832(a), and in accordance with 21 CFR 1301.74 and 1301.76, and parts 1304, 1312, and 1317.

7. *Order Forms.* Every DEA registrant who distributes 3-MeO-PCP would need to comply with the order form requirements, pursuant to 21 U.S.C. 828 and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of 3-MeO-PCP would need to be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving 3-MeO-PCP not authorized by, or in violation of, the CSA or its implementing regulations would be unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866 and 13563, and 14192 (Regulatory Review)

In accordance with 21 U.S.C. 811(a), this proposed scheduling action is subject to formal rulemaking procedures performed “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the procedures and criteria for scheduling a drug or other substance.

Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563. DEA scheduling actions are not subject to E.O. 14192, *Unleashing Prosperity Through Deregulation*.

Executive Order 12988, Civil Justice Reform

This proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This proposed rulemaking does not have federalism implications warranting the application of E.O. 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Paperwork Reduction Act

This proposed rule would not impose a new collection or modify an existing collection of information under the Paperwork Reduction Act of 1995. Also, this proposed rule would not impose new or modify existing recordkeeping or

reporting requirements on state or local governments, individuals, businesses, or organizations. However, this proposed rule would require compliance with the following existing OMB collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. 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.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601–612, has reviewed this proposed rule, and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities.

DEA proposes placing the substance 3-MeO-PCP (chemical name: 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, in schedule I of the CSA. This action is being taken, in part, to enable the United States to meet its obligations under the 1971 Convention. If finalized, this action would impose the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle or propose to handle 3-MeO-PCP.

The entities affected by this rule include the manufacturers, distributors, importers, exporters, and researchers of 3-MeO-PCP. DEA determined the North American Industry Classification System (NAICS) industries that best represent these business activities. Table 1 lists the business activities and corresponding NAICS industries.¹¹

TABLE 1—BUSINESS ACTIVITY AND CORRESPONDING NAICS INDUSTRIES

Business activity	NAICS code	NAICS industry description
Manufacturer	325412	Pharmaceutical Preparation Manufacturing.
Distributor, Importer, Exporter	424210	Drugs and Druggists' Sundries Merchant Wholesalers.
	424690	Other Chemical and Allied Products Merchant Wholesalers.
Researcher	541715	Research and Development in the Physical, Engineering, and Life Sciences (except
	611310	Nanotechnology and Biotechnology).
		Colleges, Universities and Professional Schools.

From Statistics of U.S. Businesses (SUSB) data, DEA determined the

number of firms and small firms for each of the affected industries, and by

comparing the number of affected small entities to the number of small entities

¹¹ Executive Office of the President Office of Management and Budget, North American Industry

Classification System, United States, 2022, https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf. (Accessed 4/2/2024).

www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf. (Accessed 4/2/2024).

for each industry, DEA determined whether a substantial number of small

entities are affected in any of the industries. Table 2 lists the number of

firms, small firms, and percent small firms in each affected industry.

TABLE 2—PERCENT SMALL ENTITIES BY INDUSTRY

NAICS industry	Firms ¹²	SBA size standard ¹³	Small firms ¹⁴	Percent small entities (%)
325412—Pharmaceutical Preparation Manufacturing	1,007	1,300	931	92.4
424210—Drugs and Druggists' Sundries Merchant Wholesalers	6,958	250	6,663	95.8
424690—Other Chemical and Allied Products Merchant Wholesalers	6,069	175	5,781	95.3
541715—Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology)	8,019	1,000	7,571	94.4
611310—Colleges, Universities and Professional Schools	2,433	\$34.5	1,515	62.3

Based on the American Chemical Society's SciFinder database, DEA identified 13 entities supplying 3-MeO-PCP across these industries. Suppliers include 325412, 424210, and 424690 industries. Even if all affected suppliers were small entities, they would account for only 0.10 percent of the small entities in those industries, not a substantial number.¹⁵ Additionally, DEA expects the number of researchers working with 3-MeO-PCP is small because 3-MeO-PCP lacks current marketing approval under a new drug application or an abbreviated new drug application, and is not subject to an investigational new drug application as noted in the HHS review. Also, DEA believes the researchers working with 3-MeO-PCP may also work with other controlled substances; hence, they have probably already registered with DEA and are qualified to handle controlled substances. For these reasons DEA believes the number of affected researchers that are small entities is not a substantial number of small entities in 541715 and 622310 industries.

The primary costs associated with this proposed rule would be the annual registration fee for Schedule I controlled substances (\$3,699 for manufacturers, \$1,850 for distributors, and \$296 for researchers). As mentioned above, DEA has identified 13 domestic suppliers of 3-MeO-PCP from the SciFinder database

and none of these suppliers has registered with DEA to handle Schedule I controlled substances. However, it is common for suppliers to have items in their catalog while not actually having any material level of sales because FDA has not approved a marketing application for a drug product containing 3-MeO-PCP. Therefore, some suppliers may simply remove 3-MeO-PCP from their catalog without any impact. Additionally, as discussed above, the researchers who work with 3-MeO-PCP are likely to work with other controlled substances and hence, must already register with DEA.

In summary, the small entities impacted by this rule are those in 325412-Pharmaceutical Preparation Manufacturing, 424210-Drugs and Druggists' Sundries Merchant Wholesalers, and 424690-Other Chemical and Allied Products Merchant Wholesalers. The affected small entities account for only 0.1 percent of the small businesses and are not likely to manufacture or carry 3-MeO-PCP inventory. As such, the proposed rule will not, if promulgated, result in a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the "Regulatory Flexibility Act" section above, DEA has determined

pursuant to the Unfunded Mandates Reform Act (UMRA) of 1995 (2 U.S.C. 1501 *et seq.*) that this proposed action would not result in any Federal mandate that may result "in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year". Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is proposed to be amended to read as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraph (d)(105) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

*	*	*	*	*	*	*
(105) 3-methoxyphencyclidine (Other names: 1-[1-(3-methoxyphenyl)cyclohexyl] piperidine; 3-MeO-PCP)						7457
*	*	*	*	*	*	*

* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on June 3, 2025, by Acting

Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in

¹² Statistics of U.S. Businesses, 2021 SUSB Annual Data Tables by Establishment Industry, <https://www.census.gov/data/tables/2021/econ/susb/2021-susb-annual.html> (Accessed 4/2/2024).

¹³ U.S. Small Business Administration, Table of size standards, Version March 2023, Effective: March 17, 2023, https://www.sba.gov/sites/sbagov/files/2023-06/Table%20of%20Size%20Standards_

*Effective%20March%2017%202023_*.xlsx. (Accessed 4/2/2024).

¹⁴ Note 12.

¹⁵ 13/(931 + 6,664 + 5,781) = 0.10%.

compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,
Federal Register Liaison Officer, Drug Enforcement Administration.
[FR Doc. 2025–10503 Filed 6–9–25; 8:45 am]
BILLING CODE 4410–09–P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
[FXES1111090FEDR–256–FF09E21000]
Endangered and Threatened Wildlife and Plants; Two Species Not Warranted for Listing as Endangered or Threatened Species
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Notification of findings.
SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce findings that two species are not warranted for listing as endangered or threatened species under the Endangered Species Act of 1973, as

amended (Act). After a thorough review of the best available scientific and commercial information, we find that it is not warranted at this time to list the cannulate cave isopod (*Pseudobaicalasellus cannula*) and Dry Fork Valley cave beetle (*Pseudanophthalmus montanus*). However, we ask the public to submit to us at any time any new information relevant to the status of any of the species mentioned above or their habitats.
DATES: The findings in this document were made on June 10, 2025.
ADDRESSES: Detailed descriptions of the bases for these findings are available on the internet at <https://www.regulations.gov> under the following docket numbers:

Species	Docket No.
Cannulate cave isopod	FWS–R5–ES–2025–0035.
Dry Fork Valley cave beetle	FWS–R5–ES–2025–0036.

Those descriptions are also available by contacting the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions concerning these findings to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Jennifer Norris, Field Supervisor, West Virginia Field Office, 304–866–3858, Jennifer_L_Norris@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.
SUPPLEMENTARY INFORMATION:

Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1533(b)(3)(B)), we are required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted (“12-month finding”). We must make a finding that the petitioned action is: (1) not warranted; (2) warranted; or (3) warranted, but precluded by other listing activity. We must publish a

notification of these 12-month findings in the **Federal Register**.
Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines “species” as including any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)) and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, the Secretary of the Interior (Secretary) may determine whether any species is an endangered species or a threatened species because of any of the following five factors:
(A) The present or threatened destruction, modification, or curtailment of its habitat or range;
(B) Overutilization for commercial, recreational, scientific, or educational purposes;
(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or
(E) Other natural or manmade factors affecting its continued existence.
These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.
We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an

individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M–37021, January 16, 2009; “M–Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

In conducting our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the cannulate cave isopod and Dry Fork Valley cave beetle meet the Act’s definition of an “endangered species” or a “threatened species,” we considered and thoroughly evaluated the best scientific and commercial information available regarding the past, present, and future stressors and threats. We reviewed the petition, information available in our files, and other available published and unpublished

information for the species. Our evaluation may include information from recognized experts; Federal, State, and Tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

In accordance with the regulations at 50 CFR 424.14(h)(2)(i), this document announces the not-warranted findings on petitions to list the two species. We have also elected to include brief summaries of the analyses on which these findings are based. We provide the full analyses, including the reasons and data on which the findings are based, in the decisional file for each of the actions included in this document. Below, we describe the documents containing these analyses.

The species assessment forms for the cannulate cave isopod and Dry Fork Valley cave beetle each contain more detailed biological information, a thorough analysis of the listing factors, a list of literature cited, and an explanation of why we determined that these species do not meet the Act’s definition of an “endangered species” or a “threatened species.” To inform our status reviews, we completed species status assessment (SSA) reports for these two species. Each SSA report contains a thorough review of the taxonomy, life history, ecology, current status, and projected future status for each species. This supporting information can be found on the internet at <https://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above).

Cannulate Cave Isopod and Dry Fork Valley Cave Beetle

Previous Federal Actions

On April 20, 2010, we received a petition from the Center for Biological Diversity, Alabama Rivers Alliance, Clinch Coalition, Dogwood Alliance, Gulf Restoration Network, Tennessee Forests Council, and West Virginia Highlands to list 404 aquatic, riparian, and wetland species, including the cannulate cave isopod (*Pseudobaicalasellus cannula*) and Dry Fork Valley cave beetle (*Pseudanophthalmus montanus*), as endangered or threatened species under the Act. On September 27, 2011, we published a partial 90-day finding (76 FR 59836) that the petition contained substantial information indicating listing may be warranted for these two species (*note*: The September 27, 2011, publication refers to the cannulate cave isopod (*Pseudobaicalasellus cannula*) as *Caecidotea cannula*). This document constitutes our 12-month finding on the

April 20, 2010, petition to list the cannulate cave isopod and Dry Fork Valley cave beetle under the Act.

Summary of Finding

The cannulate cave isopod is a cave-obligate crustacean that is only known to occur in nine caves in Preston, Tucker, and Randolph Counties, West Virginia. The cannulate cave isopod requires a karst environment devoid of light with stable climate conditions, such as temperature and humidity, and a cave stream. To provide adequate habitat, the stream must be small-to medium-sized with substrate and flat rocks that create interstitial spaces for the isopod to feed and shelter during periods of increased stream velocity. The species also requires nutrients derived from the surface for feeding.

The Dry Fork Valley cave beetle is an Appalachian endemic species that represents archaic populations of ground beetles that colonized caves during the Pleistocene epoch. It occurs in three caves in Tucker County, West Virginia. Similar to the cannulate cave isopod, the Dry Fork Valley cave beetle requires a karst environment devoid of light with stable climate conditions, such as temperature and humidity, and a cave stream. Unlike the isopod, the Dry Fork Valley cave beetle does not inhabit the stream but instead uses riparian mudbanks and other moist areas within limestone caves. The Dry Fork Valley cave beetle is a carnivorous, opportunistic feeder whose diet may consist of small earthworms, aquatic worms, and cave cricket eggs, larvae, and nymphs.

We do not know the specific needs, population sizes, or population trends of either cave species. However, the best available information indicates that both species need clean water and relatively stable thermal and water flow conditions for populations to remain healthy and capable of withstanding environmental and demographic stochasticity. Based on general conservation biology principles, we assume that the viability of both species at the species level would be best supported by multiple, self-sustaining populations distributed throughout the geographical extent of their range with sufficient diversity and time to respond to changing environmental conditions (*i.e.*, redundancy, resiliency, and representation, respectively).

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the cannulate cave isopod and Dry Fork Valley cave beetle, and we evaluated all relevant factors under the five listing factors, including

any regulatory mechanisms and conservation measures addressing these threats. The primary potential threats affecting both species' biological status include water pollution, stream flow alteration, washout of habitats and individuals from increased flooding events, and increasing precipitation and temperatures.

Currently, the cannulate cave isopod and Dry Fork Valley cave beetle have naturally low redundancy because of their narrow range within nine occupied caves and three occupied caves, respectively. However, the best available information indicates both species occupy their entire known historical ranges, and there is not a high risk of catastrophic events occurring. We assume current representation has not changed from historical representation, as the known historical ranges remain occupied and none of the processes that drive evolution (*i.e.*, gene flow, natural selection, mutations, and genetic drift) are known to be currently impacted. While species with naturally low redundancy and representation theoretically have a higher risk of extinction, the potential for catastrophic events occurring, such as a contaminant spill, is not high.

We assessed the potential effects of water contamination and stream flow alteration, along with minor threats of lesser concern, on the needs of both species and the species themselves. There may be some negative impacts to the occupied caves of both species based on the available information on surface and groundwater conditions. However, the caves themselves have experienced little change, as a majority of the caves are inaccessible. In addition, while recent survey data for these species are lacking, the best scientific and commercial data available do not indicate a decline in either species, and we have low to very low causal certainty (degree of confidence in the belief that a specific cause-and-effect relationship exists) in all threats to the species. Causal certainty is based on evidence, where low causal certainty describes a theoretical link with limited evidence that a threat is leading to a population decline or decreased resiliency. Very low causal certainty describes a plausible link with no evidence that a threat is leading to population decline or decreased resiliency. Thus, after assessing the best available information, we conclude that the cannulate cave isopod and Dry Fork Valley cave beetle are not in danger of extinction throughout all of their respective ranges. Therefore, we proceed with determining whether the cannulate cave isopod and Dry Fork

Valley cave beetle are likely to become endangered within the foreseeable future throughout all of their ranges.

In our future scenarios, water pollution, stream flow alteration, landscape condition, oil and gas development, and urban development are not expected to change significantly from the current condition. The threats to the species that may change in the future are air temperature, water temperature, and flooding frequency. While there is uncertainty in how either species will respond to potential changes in temperatures and increased flooding, the best available scientific information does not provide evidence of negative effects on the species. Similar to current conditions, we have low to very low causal certainty that these threats may affect the species. Overall, we conclude that the magnitude of most of the threats to the species will remain similar to current conditions. Thus, after assessing the best available information, we conclude that the cannulate cave isopod and Dry Fork Valley cave beetle are not likely to become endangered within the foreseeable future throughout all of their ranges.

We also evaluated whether the cannulate cave isopod or Dry Fork Valley cave beetle are endangered or threatened in a significant portion of their ranges. We did not find any portions of the cannulate cave isopod or Dry Fork Valley cave beetle ranges for which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion, either now or within the foreseeable future.

The cannulate cave isopod occurs in nine caves in six analysis units, and the Dry Fork Valley cave beetle occurs in three caves in one analysis unit. The magnitude of each threat we assessed currently and in the future, and the subsequent risks to the species, is similar across all analysis units. Our evaluation identified two threats that may have different levels of impact for the two species in different portions of their range: (1) oil and gas development; and (2) flooding (*i.e.*, washout) risk. For the isopod, three caves are located close to oil and gas activities. For the beetle, two caves are located close to oil and gas activities. We have low certainty that oil and gas development will cause the species' populations to decline. However, the continued occurrence of these species at sites where oil and gas activity is present indicates some tolerance of these activities. No quantitative data exists on population size or population trends for either species, also making future population projections difficult. Additionally, two

oil wells near the Dry Fork Valley cave beetle caves are both currently abandoned and have a lower likelihood of impacting the species. Thus, we concluded from the best available data that the risk from oil and gas activities does not rise to a level that creates a large difference in the overall risk to either species in the caves potentially impacted by oil and gas activities compared to caves that are not impacted.

All caves where the Dry Fork Valley cave beetle has been found are situated within a watershed that falls under a mapped Federal Emergency Management Agency flood hazard zone. Additionally, five caves inhabited by the cannulate cave isopod are currently at risk of experiencing extreme flood events. Projections indicate that the frequency of severe precipitation is expected to increase, potentially increasing the frequency of catastrophic flooding in West Virginia. However, the impact of these flooding events on the subsurface conditions that affect the survival of both the cannulate cave isopod and the Dry Fork Valley cave beetle remains unknown, and the best available information does not indicate any evidence of washouts in any of the habitats where the species occur or any response of this species to this threat. Therefore, we found no portion of the cannulate cave isopod's or Dry Fork Valley cave beetle's range where the biological condition of the species differs from its condition elsewhere in its range such that the status of the species in that portion differs from its status in any other portion of the species' range.

Thus, after assessing the best available information, we concluded that the cannulate cave isopod and Dry Fork Valley cave beetle are not in danger of extinction now or likely to become in danger of extinction within the foreseeable future throughout all of their ranges or in any significant portion of their ranges. Therefore, we find that listing either species as an endangered species or threatened species under the Act is not warranted. A detailed discussion of the basis for these findings can be found in the cannulate cave isopod and Dry Fork Valley cave beetle species assessment form and other supporting documents on <https://www.regulations.gov> under Docket No. FWS-R5-ES-2025-0035 and FWS-R5-ES-2025-0036 (see **ADDRESSES**, above).

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum

updating and clarifying the role of peer review in listing actions under the Act, we solicited independent scientific reviews of the information contained in the cannulate cave isopod and Dry Fork Valley cave beetle SSA report. We sent the SSA report to four independent peer reviewers and received two responses. Results of this structured peer review process can be found at <https://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above). We incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for these findings.

New Information

We request that you submit any new information concerning the taxonomy of, biology of, ecology of, status of, or stressors to the cannulate cave isopod or Dry Fork Valley cave beetle to the

appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor these species and make appropriate decisions about their conservation and status. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts.

References

A complete list of the references used in these petition findings is available in the relevant species assessment form, which is available on the internet at <https://www.regulations.gov> in the appropriate docket (see **ADDRESSES**, above) and upon request from the appropriate person (see **FOR FURTHER INFORMATION CONTACT**, above).

Authority

The authority for this action is section 4 of the Endangered Species Act of

1973, as amended (16 U.S.C. 1531 *et seq.*).

Signing Authority

Paul Souza, Regional Director, Region 8, Exercising the Delegated Authority of the Director of the U.S. Fish and Wildlife Service, approved this action on May 27, 2025, for publication. On May 30, 2025, Paul Souza authorized the undersigned to sign the document electronically and submit it to the Office of the Federal Register for publication as an official document of the U.S. Fish and Wildlife Service.

Jillian Eanett,

Acting Regulations and Policy Chief, Division of Policy, Economics, Risk Management, and Analytics of the Joint Administrative Operations, U.S. Fish and Wildlife Service.

[FR Doc. 2025–10294 Filed 6–9–25; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 90, No. 110

Tuesday, June 10, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Alaska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that the Alaska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom on Friday, June 27, 2025, from 11:00 a.m. to 12:00 p.m. Alaska time, to discuss potential topics.

DATES: Friday, June 27, 2025, from 11:00 a.m.–12:00 p.m. Alaska Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual):
<https://www.zoomgov.com/j/1615744573>.

Join by Phone (Audio Only): (833) 435-1820 USA Toll Free; Webinar ID: 161 574 4573.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at kfajota@usccr.gov or (434) 515-2395.

SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The

Commission will not refund any incurred charges. Closed captions will be provided for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialists, at atrevino@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Kayla Fajota (DFO) at kfajota@usccr.gov.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, Alaska Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at atrevino@usccr.gov.

Agenda

- I. Welcome, Introductions, and Roll Call
- II. Overview: Project Process
- III. Discussion: Concept Stage
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Dated: June 5, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025-10495 Filed 6-9-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Foreign National Request Form

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 March 31, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Office of Security (OSY), Office of Security, Insider Risk and Continuity (OSIRC), Office of the Secretary (OS), Commerce.

Title: Foreign National Request Form.

OMB Control Number: 0690-0033.

Form Number(s): 207-12-1.

Type of Request: Regular Submission, Revision.

Number of Respondents: 16,000.

Average Hours per Response: 15 minutes.

Burden Hours: 4,000.

Needs and Uses: The Office of Security is requesting clearance of this collection to continue gathering information to mitigate variances in foreign access management program implementation and registration information requirements needed to reach risk-based determinations of physical and logical access by foreign national visitors and guests to Commerce facilities and resources. The information collected will be used for risk-based assessments of short-term access or as partial completion towards long term guest research agreements and supporting security and background investigations for potential personal identity credential issuance in compliance with U.S. laws and regulations governing physical and logical access to federal facilities and information resources. Due to the increasing diversity of foreign national participation in departmental programs, considerable efforts have been made to define uniform program standards as well as to expand current guidance beyond foreign visitor control to manage emerging risks associated with physical and logical access to the Department's facilities and resources.

Affected Public: Individuals and households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: DDO 20–6 and DAO 207–12.

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 0690–0033.

Sheleen Dumas,

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

[FR Doc. 2025–10507 Filed 6–9–25; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Office of the Secretary

[DOC No: DOC–2025–0010]

Notice of Termination of 14 Discretionary Federal Advisory Committees

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Notice of termination of 14 Discretionary Federal Advisory Committees.

SUMMARY: In accordance with Executive Order 14217, *Commencing the Reduction of the Federal Bureaucracy*, the Secretary of the U.S. Department of Commerce has determined that the purposes for which the 14 following Discretionary Federal Advisory Committees were established have been fulfilled, and the committees have been terminated:

Bureau of Economic Analysis Advisory Committee (Bureau of Economic Analysis); Federal Economic Statistics Advisory Committee (Bureau of Economic Analysis); 2030 Census Advisory Committee (U.S. Census Bureau); Bureau of the Census Scientific Advisory Committee (U.S. Census Bureau); Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations (U.S. Census Bureau); Advisory Committee on Supply Chain Competitiveness (International Trade Administration);

Civil Nuclear Trade Advisory Committee (International Trade Administration); Renewable Energy and Energy Efficiency Advisory Committee (International Trade Administration); United States Investment Advisory Council (International Trade Administration); United States Manufacturing Council (International Trade Administration); Advisory Committee on Excellence in Space (National Oceanic and Atmospheric Administration); Climate Services Advisory Committee (National Oceanic and Atmospheric Administration); Marine and Coastal Area-Based Management Advisory Committee (National Oceanic and Atmospheric Administration); and Marine Fisheries Advisory Committee (National Oceanic and Atmospheric Administration).

FOR FURTHER INFORMATION CONTACT: Maria Chang, telephone (202) 482–1190, email faca@doc.gov.

SUPPLEMENTARY INFORMATION: On February 19, 2025, the President issued Executive Order (E.O.) 14217, *Commencing the Reduction of the Federal Bureaucracy*. The order states that within 30 days of the date of the order, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy shall identify and submit to the President additional unnecessary governmental entities and Federal Advisory Committees that should be terminated on grounds that they are unnecessary. Consistent with the E.O., the Secretary of the Department of Commerce terminated these committees effective February 28, 2025, in accordance with the provisions of the Federal Advisory Committee Act of 1972, as amended (5 U.S.C. Ch. 10).

Dated: June 4, 2025.

Charles R. Cutshall,

Chief Privacy Officer and Director of Open Government.

[FR Doc. 2025–10398 Filed 6–9–25; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, U.S. Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: The Judges Panel of the Malcolm Baldrige National Quality

Award (Judges Panel) reports the results of the Malcolm Baldrige National Quality Award (Award) activities to the Director of the National Institute of Standards and Technology (NIST) each year, along with its recommendations for the improvement of the Award process. The purpose of this meeting is to discuss the 2025 Baldrige Award process, including the identification of which award applicant organizations should be advanced to the site visit phase. The meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

DATES: Pursuant to the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. 1001 *et seq.*, notice is hereby given that the Judges Panel will meet on Tuesday, June 24, 2025, from 12:00 p.m. to 6:00 p.m. Eastern Time (all times are Eastern Time).

ADDRESSES: The closed meeting will only be accessible via teleconference.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, phone: 301–975–2361, email robert.fangmeyer@nist.gov.

SUPPLEMENTARY INFORMATION:

Background

The Judges Panel, composed of approximately nine members preeminent in the field of organizational performance excellence and appointed by the Secretary of Commerce, makes an annual report on the results of Award activities to the Director of the National Institute of Standards and Technology (NIST), along with its recommendations for improvement of the Award process.

Agenda

The meeting will include a discussion of the 2025 Baldrige Award process, including the identification of which award applicant organizations should be advanced to the site visit phase. The meeting will include discussions of lessons learned from the 2024 judging process and on the 2024 Award process.

The agenda may change to accommodate the Judges Panel's business. The final agenda will be posted on the NIST Baldrige Performance Excellence website at <https://www.nist.gov/baldrige/how-baldrige-works/baldrige-community/judges-panel>.

Open Session Attendance

There will be no open session during this meeting.

Special Accommodations

There will be no public participation during this meeting; therefore, public accommodations will not be necessary.

Public Participation

There will be no public participation during this meeting.

Closure Determination

The Deputy Assistant Secretary for Administration, performing the non-exclusive functions and duties of the Deputy Secretary of Commerce, with the concurrence of the delegate of the General Counsel, formally determined, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Public Law 94-409, that the June 24, 2025 meeting of the Judges Panel may be closed to the public in accordance with 5 U.S.C. 552b(c)(4) because the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and are privileged or confidential, and 5 U.S.C. 552b(c)(9)(B) because the meeting is likely to disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. This meeting is closed to the public in order to protect the proprietary data to be examined and discussed.

Meeting Cancellation

If the meeting is canceled, a cancellation notice will be posted on the website at: <https://www.nist.gov/baldrige/how-baldrige-works/baldrige-community/judges-panel>.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2025-10473 Filed 6-9-25; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE877]

Pacific Island Fisheries; Marine Conservation Plan for Guam; Western Pacific Sustainable Fisheries Fund

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces approval of a Marine Conservation Plan (MCP) for Guam.

DATES: This agency decision is effective from June 10, 2025 through August 3, 2026.

ADDRESSES: You may obtain a copy of the MCP, identified by NOAA-NMFS-2025-0039, from the Federal e-Rulemaking Portal, <https://www.regulations.gov/docket/NOAA-NMFS-2025-0039>, or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, 808-522-8220, <https://www.wpcouncil.org>.

FOR FURTHER INFORMATION CONTACT: Keith Kamikawa, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808-725-5177.

SUPPLEMENTARY INFORMATION: Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary), and in consultation with the Council, to negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA). A PIAFA would allow foreign fishing within the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands. The Governor of the Pacific Insular Area to which the PIAFA applies must request the PIAFA. The Secretary of State may negotiate and enter the PIAFA after consultation with, and concurrence of, the applicable Governor.

Before entering into a PIAFA, the applicable Governor, with concurrence of the Council, must develop and submit to the Secretary a 3-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA. The MCP must be consistent with the Council's Fishery Ecosystem Plans, must identify conservation and management objectives (including criteria for determining when such objectives have been met), and must prioritize planned marine conservation projects. NMFS is the designee of the Secretary for MCP review and approval. The Magnuson-Stevens Act requires payments received under a PIAFA to be deposited into the United States Treasury and then conveyed to the Treasury of the Pacific Insular Area for which funds were collected.

In the case of violations by foreign fishing vessels in the EEZ around any Pacific Insular Area, amounts received by the Secretary attributable to fines and penalties imposed under the Magnuson-Stevens Act, including sums collected from the forfeiture and disposition or sale of property seized subject to its authority, are deposited into the Treasury of the Pacific Insular Area

adjacent to the EEZ in which the violation occurred, after direct costs of the enforcement action are subtracted. The Pacific Insular Area government may use funds deposited into the Treasury of the Pacific Insular Area for fisheries enforcement and for implementation of a MCP.

At its September 2023 meeting, the Council reviewed and concurred with the Guam MCP. On November 27, 2023, the Governor of Guam submitted the MCP to NMFS for review and approval. NMFS approved this MCP on March 18, 2024, it became effective on March 27, 2024, and it is in effect through August 3, 2026 (89 RF 21241). Following the approval in March 2024, the Governor of Guam submitted an amended MCP to the Council, which reviewed and concurred with the amended MCP at its meeting in December 2024. The Governor of Guam submitted the amended MCP to NMFS for review and approval on January 14, 2025. The amended MCP included revisions to Program Strategy 5.3, the Americans with Disabilities Act Accessible Fishing Platform, to refine its scope and implementation. The approved strategy initially outlined objectives focused on community fishing access, cultural preservation, conservation, education, and inclusivity in Guam's fisheries. The amendments shifted the focus toward structural improvements, including the replacement of steel guardrails and wheel stops with fiberglass; replacing railings on the platform, stairway, and wheelchair ramp; and securing funding for regular maintenance. These refinements increased the priority level of the project from high to very high by emphasizing critical structural improvements that enhance safety and accessibility for users with disabilities. The overall cost was reduced from \$320,000 to \$140,000 as a result of a more defined scope and the use of more cost-effective materials. All other elements of Program Strategy 5.3 remain unchanged.

The conservation and management objectives of this amended MCP are identical to those included in the MCP currently in effect. Please refer to the amended MCP for projects and activities designed to meet each objective, the evaluative criteria, and priority rankings. The evaluative criteria have also not been amended.

This notice announces that NMFS has reviewed the amended MCP and determined that it satisfies the requirements of the Magnuson-Stevens Act. Accordingly, NMFS has approved the amended MCP for the time period from the publication of this notice through August 3, 2026. This MCP

supersedes the plan approved previously for March 27, 2024, through August 3, 2026 (89 FR 21241, March 27, 2024).

Dated: June 4, 2025.

Kelly Denit,

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

[FR Doc. 2025–10430 Filed 6–9–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE881]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Alaska Department of Transportation and Public Facilities Angoon Ferry Terminal Modification Project in Angoon, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Alaska Department of Transportation and Public Facilities (ADOT&PF) for authorization to take marine mammals incidental to the Angoon Ferry Terminal Modification Project in Angoon, Alaska. **DATES:** This authorization is effective for one year from the date of effectiveness.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

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

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16

U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS will issue an IHA if it finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least [practicable] adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and the NMFS’ implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On March 24, 2025, a notice of NMFS’ proposal to issue an IHA to ADOT&PF for take of marine mammals incidental to the Angoon Ferry Terminal Modification Project in Angoon, Alaska was published in the **Federal Register** (90 FR 13463). In that notice, NMFS indicated the estimated numbers, type, and methods of incidental take proposed for each species or stock and the mitigation, monitoring, and reporting measures that would be required should the IHA be issued. The **Federal Register** notice also included analysis to support NMFS’ preliminary conclusions and determinations that the IHA, if issued, would satisfy the requirements of section 101(a)(5)(D) of the MMPA for issuance of the IHA. The **Federal Register** notice included web links to a draft IHA for review and other supporting documents.

No substantive comments were received during the public comment period. There are no changes to the specified activity, the species taken, the proposed numbers, type, or methods of take, or the mitigation, monitoring, or reporting measures in the proposed IHA notice. All information for species taken remains the same with one exception. In

the Description of Marine Mammals in the Area of Specified Activities section of the **Federal Register** notice of the proposed IHA (90 FR 13463, March 24, 2025), table 2 and the associated species description inadvertently misidentified the humpback whale stock as the Mainland Mexico-CA/OR/WA stock rather than the Mexico-North Pacific stock. However, NMFS’ analysis was based upon the appropriate stock information for the Mexico-North Pacific stock, and no changes to the IHA are necessary. Furthermore, no new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published and, therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

National Environmental Policy Act

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

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

Endangered Species Act

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

There are two ESA-listed marine mammal species (Steller sea lion (Western Distinct Population Segment (DPS)) and humpback whale (Mexico

DPS)) with confirmed occurrence in the project area. The NMFS Alaska Regional Office Protected Resources Division issued a Biological Opinion on June 3, 2025, under section 7 of the ESA, on the issuance of an IHA to ADOT&PF under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that the proposed action is not likely to jeopardize the continued existence of the Western DPS of Steller sea lions and the Mexico DPS of humpback whales, and is not likely to destroy or adversely modify critical habitat for either species.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to ADOT&PF for authorization to take marine mammals incidental to the Angoon Ferry Terminal Modification Project in Angoon, Alaska.

Dated: June 5, 2025.

Kimberly Damon-Randall,

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

[FR Doc. 2025-10504 Filed 6-9-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Fishery Products Subject to Trade Restrictions Pursuant to Provisions of the High Seas Driftnet Fishing Moratorium Protection Act

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 March 17, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Fishery Products Subject to Trade Restrictions Pursuant to provisions of the High Seas Driftnet Fishing Moratorium Protection Act or Marine Mammals Protection Act.

OMB Control Number: 0648-0651.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 100 respondents annually filing 50 responses each.

Average Hours per Response: 10 minutes.

Total Annual Burden Hours: 833.

Needs and Uses: This is a request for extension of an approved information collection for Fishery Products Subject to Trade Restrictions Pursuant to Certification Under the High Seas Driftnet Fishing Moratorium Protection Act (Moratorium Protection Act) or the Marine Mammal Protection Act (MMPA).

The National Marine Fisheries Service's (NMFS) Office of International Affairs, Trade, and Commerce requests extension of the information collection involving Certification of Admissibility for the importation of certain fish and fish products that are subject to requirements of the Moratorium Protection Act or the MMPA.

The purpose of this information collection is to enable the continued flow of trade while adhering to existing statutory requirements. Pursuant to the Moratorium Protection Act, certain fish or fish products of a nation may be subject to import prohibitions. To facilitate enforcement, NMFS requires that other fish or fish products from that nation that are not subject to the import prohibitions must be accompanied by documentation of admissibility. A duly authorized official/agent of the applicant's Government must certify that the fish in the shipments being imported into the United States (U.S.) are of a species, or from fisheries, that are not subject to an import restriction. If a nation is identified under the Moratorium Protection Act and fails to receive a positive certification decision from the Secretary of Commerce, products from that nation may be subject to the import prohibitions and would subsequently need to be accompanied by the certificate of admissibility.

Under the MMPA, import certification requirements apply in collection-of-information requirement (Control Number 0648-0732) cases where foreign fisheries do not meet U.S. standards for marine mammal bycatch mitigation. Final rule (RIN 0648-AY15) implemented a procedure for making

comparability findings for nations that are eligible for exporting fish and fish products to the United States. The nations may receive a comparability finding to export fish and fish products by providing documentation that a nation's bycatch reduction regulatory program is comparable in effectiveness to that of the United States. Fish and fish products from a foreign fishery without a comparability finding are prohibited from entry into U.S. commerce. To facilitate enforcement, NMFS requires that other fish or fish products from that nation that are not subject to the import prohibitions must be accompanied by documentation of admissibility.

Information collected under the Certification of Admissibility process is used by the United States Customs and Border Protection authorities to determine that inbound seafood shipments are not subject to trade restrictions. NMFS uses the information to ensure compliance with fish product trade restrictions and to assess compliance with international fishery management regulations.

Affected Public: Business or other for-profit organizations.

Frequency: Dependent upon the import rate of fish or fish products subject to prohibition(s).

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: 50 CFR part 216; 50 CFR part 300, subpart N.

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 0648-0651.

Sheleen Dumas,

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

[FR Doc. 2025-10458 Filed 6-9-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XE980]

Marine Mammals; File No. 28712

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

ACTION: Notice; issuance of permit.

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

ADDRESSES: The permit and related documents are available for review upon written request via email to NMFS.Pr1Comments@noaa.gov.

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

SUPPLEMENTARY INFORMATION: On April 29, 2025, notice was published in the **Federal Register** (90 FR 17779) that a request for a scientific research permit had been submitted by the above-named applicant. The requested permit was issued on June 4, 2025, under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222 through 226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes import, export, and receipt of marine mammal parts and the development of cell lines to understand diving, metabolic, and reproductive physiology of marine mammals. The permit expires on June 30, 2035.

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

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered

species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 5, 2025.

Kimberly Damon-Randall,
Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. 2025-10500 Filed 6-9-25; 8:45 am]

BILLING CODE 3510-22-P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection Number 3038-0067, Part 162—Protection of Consumer Information Under the Fair Credit Reporting Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (“Commission”) 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 the collections of information mandated by part 162 of the Commission’s regulations (Protection of Consumer Information under the Fair Credit Reporting Act).

DATES: Comments must be submitted on or before August 11, 2025.

ADDRESSES: You may submit comments, identified by “OMB Control Number 3038-0067,” 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. 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>.

FOR FURTHER INFORMATION CONTACT: Lee McFarland, Special Counsel, Market Participants Division, Commodity Futures Trading Commission, (202) 418-5465, email: lmcfarland@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the PRA,¹ 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 collection of information listed below.

Title: Part 162—Protection of Consumer Information under the Fair Credit Reporting Act (OMB Control No. 3038-0067). This is a request for an extension of currently approved information collection.

Abstract: On July 21, 2010, the President signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”).² Title X of the Dodd-Frank Act, which is titled the Consumer Financial Protection Act of 2010 (“CFP Act”), amends a number of federal consumer protection laws enacted prior to the Dodd-Frank Act including, in relevant part, the Fair Credit Reporting Act (“FCRA”) ³ and the Fair and Accurate Credit Transactions Act of 2003 (“FACT Act”).⁴ Specifically, Section 1088 of the CFP Act sets out certain amendments to the FCRA and the FACT Act directing the Commission to promulgate regulations that are intended to provide privacy protections to certain consumer information held by an entity that is subject to the jurisdiction of the Commission.

Section 1088 amends section 214(b) of the FACT Act—which added section 624 to the FCRA in 2003—and directs the Commission to implement the provisions of section 624 of the FCRA with respect to persons that are subject to the Commission’s enforcement

¹ 44 U.S.C. 3501 *et seq.*

² Public Law 111-203, 124 Stat. 1376 (2010).

³ 15 U.S.C. 1681-1681x.

⁴ Public Law 108-159, 117 Stat. 1952, 1980 (2003).

jurisdiction. Section 624 of the FCRA gives a consumer the right to block affiliates of an entity subject to the Commission's jurisdiction from using certain information obtained from such entity to make solicitations to that consumer (hereinafter referred to as the "affiliate marketing rules").⁵ Under the affiliate marketing rules, the entities covered by the regulations are expected to prepare and provide clear, conspicuous and concise opt-out notices to any consumers with whom such entities have a pre-existing business relationship. A covered entity only has to provide an opt-out notice to the extent that an affiliate of the covered entity plans to make a solicitation to any of the covered entity's consumers. The purpose of the opt-out notice is to provide consumers with the ability to prohibit marketing solicitations from affiliate businesses that do not have a pre-existing business relationship with the consumers, but that do have access to such consumers' nonpublic, personal information. A covered entity is required to send opt-out notices at the maximum of once every five years.

Section 1088 of the CFP Act also amends section 628 of the FCRA and mandates that the Commission implement regulations requiring persons subject to the Commission's jurisdiction who possess or maintain consumer report information in connection with their business activities to properly dispose of that information (hereinafter referred to as the "disposal rules").⁶ Under the disposal rules, the entities covered by the regulations are expected to develop and implement a written disposal plan with respect to any consumer information within such entities' possession. The regulations provide that a covered entity develop a written disposal plan that is tailored to the size and complexity of such entity's business. The purpose of the written disposal plan is to establish a formal plan for the disposal of nonpublic, consumer information, which otherwise could be illegally confiscated and used by unauthorized third parties. Under the rules, a covered entity is required to develop a written disposal plan only once, but may subsequently amend such plan from time to time.

In addition, section 1088 of the CFP Act amended the FCRA by adding the CFTC and the Securities and Exchange Commission ("SEC," together with the

CFTC, the "Commissions") to the list of federal agencies required to jointly prescribe and enforce identity theft red flags rules and guidelines and card issuer rules. Thus, the Dodd-Frank Act provides for the transfer of rulemaking responsibility and enforcement authority to the CFTC and SEC with respect to the entities under their respective jurisdiction. Accordingly, the Commissions have issued final rules and guidelines (hereinafter referred to as the "identity theft rules")⁷ to implement new statutory provisions enacted by the CFP Act that amend section 615(e) of the FCRA and direct the Commissions to prescribe rules requiring entities that are subject to the Commissions' jurisdiction to address identity theft. Under the identity theft rules, entities covered by the regulation are required to develop and implement reasonable policies and procedures to identify, detect, and respond to relevant red flags for identity theft that are appropriate to the size and complexity of such entity's business and, in the case of entities that issue credit or debit cards, to assess the validity of, and communicate with cardholders regarding, address changes.⁸ They are also required to provide for the continued administration of identity theft policies and procedures.

With respect to the collection of information, the Commission 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.

You should submit 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, 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.⁹

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 burden estimate for this collection to reflect its estimate of the current number of CFTC registrants subject to the requirements of part 162 regulations. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 3,510.

Estimated Total Annual Burden Hours: 46,603.

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: June 4, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–10439 Filed 6–9–25; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0026]

Agency Information Collection Activities; Extension of Collection; Comment Request; Requirements Pertaining to Third Party Conformity Assessment Bodies

AGENCY: Consumer Product Safety Commission.

⁹ 17 CFR 145.9.

⁵ The affiliate marketing rules are found in part 162, subpart A (Business Affiliate Marketing Rules) of the CFTC's regulations. 17 CFR part 162, subpart A.

⁶ The disposal rules are found in part 162, subpart B (Disposal Rules) of the CFTC's regulations. 17 CFR part 162, subpart B.

⁷ The CFTC's identity theft rules are found in part 162, subpart C (Identity Theft Red Flags) of the CFTC's regulations. 17 CFR part 162, subpart C.

⁸ The CFTC understands that CFTC-regulated entities generally do not issue credit or debit cards, but instead may partner with other entities, such as banks, that issue cards on their behalf. These other entities, which are not regulated by the CFTC, are already subject to substantially similar change of address obligations pursuant to other federal regulators' identity theft red flags rules. Therefore, the CFTC does not expect that any CFTC-regulated entities will be subject to the related information collection requirements under the CFTC's identity theft rules.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of information collection requirements pertaining to third party conformity assessment bodies. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041–0156. OMB's most recent extension of approval will expire on September 30, 2025. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from OMB.

DATES: Submit comments on the collection of information by August 11, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2012–0026, within 60 days of publication of this notice by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. The Commission typically does not accept comments submitted by email, except as described below.

Mail/Hand Delivery/Courier/Written Submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone (301) 504–7479.

Instructions: All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to cpsc-os@cpsc.gov.

Docket: For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, insert docket number CPSC- 2012–0026 into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: pra@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Requirements Pertaining to Third Party Conformity Assessment Bodies.

OMB Number: 3041–0156.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation.

General Description of Collection: On March 12, 2013, the Commission issued a rule Pertaining to Third Party Conformity Assessment Bodies (78 FR 15836). The rule established the general requirements concerning third party conformity assessment bodies, such as the requirements and procedures for CPSC acceptance of the accreditation of a third party conformity assessment body, and the rule prescribed adverse actions that might be imposed against CPSC-accepted third party conformity assessment bodies. The rule also amended the audit requirements for third party conformity assessment bodies and amended the CPSC's regulation for inspections. CPSC's requirements pertaining to third party conformity assessment bodies can be found at 16 CFR part 1112.

Estimated Respondent Burden:

- *Application Burden.*

The application for CPSC acceptance of accreditation is completed by submitting a Consumer Product Conformity Assessment Body Registration Form (CPSC Form 223); an accreditation certificate for ISO/IEC 17025, *General requirements for the competence of testing and calibration laboratories*; and a statement of scope that clearly identifies each CPSC rule and/or test method for which CPSC acceptance is sought. 16 CFR 1112.13(a). For independent third party conformity assessment bodies, the estimated time to complete the initial application materials is 75 minutes. For governmental and firewalled third party conformity assessment bodies, the estimate is longer because of their additional requirements. See 16 CFR

1112.13(b)–(c). Firewalled third party conformity assessment bodies will require an estimated 8.4 hours to develop and upload their requirements to the CPSC. Governmental third party conformity assessment bodies will require three hours to develop and upload their requirements to the CPSC.

Based on applications received from FY 2020 to FY 2024, we estimate receiving 40 new applications from independent third party conformity assessment bodies, three applications from firewalled third party conformity assessment bodies, and four applications from governmental third party conformity assessment bodies, each year.

Therefore, we estimate the total hourly burden for new applications to be 87.2 hours (75 minutes per independent application × 40 applications = 3,000 minutes or 50 hours) + (8.4 hours per firewalled application × 3 applications = 25.2 hours) + (3 hours per governmental application × 4 applications = 12 hours).

- *Updating Information Burden.*

To update the information on CPSC Form 223, third party conformity assessment bodies will not need to fill out an entirely new form to submit new information. They can access their existing CPSC Form 223 via the third party conformity assessment body application program on the CPSC's website and change only those elements that need updating. From FY 2020 through the first half of 2025, there has been a large increase in additions to scope applications submitted each year. The additions to scope applications accommodate new testing related to toys, furniture, batteries and durable nursery products. We estimate it will take a third party conformity assessment body 30 minutes to update its information to add scope items. Further, we estimate that about 20 percent of the approximately 670 third party conformity assessment bodies will do this per year, for an estimated 134 addition to scope applications annually. Therefore, we estimate the total hourly burden to update information to be 67 hours (134 applications per year × 30 minutes per application = 4,020 minutes or 67 hours per year).

- *Third Party Disclosure Burden.*

During their normal course of business, third party conformity assessment bodies maintain testing records. In addition, CPSC requires that when a test conducted for purposes of section 14 of the CPSA is subcontracted, a prime contractor's report must clearly identify which test(s) were performed by a CPSC-accepted third party conformity assessment body acting as a

subcontractor, and the test from the subcontractor must be appended to the prime contractor's report. Records maintained by a conformity assessment body during their normal course of business would not be considered in calculating Paperwork Reduction Act (PRA) burden, but we estimate that an average third party conformity assessment body engages in recordkeeping related to 12,000 tests annually pursuant to section 14 of the CPSA that may be considered PRA burden. We estimate that five percent of third party conformity assessment bodies, or 33.5 bodies (670 conformity assessment bodies $\times$ 5% = 33.5 subcontracting test bodies), will subcontract tests to other CPSC-accepted third party conformity assessment bodies. It is difficult to estimate how many tests will be subcontracted, but for current purposes, we estimate that of the third party conformity assessment bodies who subcontract, they will subcontract 25 percent of their tests. We estimate that it will take seven minutes, on average, to comply with the recordkeeping requirements related to subcontracted tests. If five percent of third party conformity assessment bodies subcontract 25 percent of tests annually, that is a total of 100,500 subcontract tests per year (33.5 subcontracting test bodies $\times$ 12,000 tests per body $\times$ 25% tests subcontracted = 100,500 subcontract tests). Therefore, at seven minutes per test, we estimate a total burden for third party disclosure to be 11,725 hours (or 703,500 minutes) per year to comply with the subcontracting recordkeeping requirement.

- **Discontinue Burden.**

If a third party conformity assessment body wishes to voluntarily discontinue its participation with the CPSC, an estimated 30 minutes is needed to create and submit the required documentation. See 16 CFR 1112.29. From FY 2020–24, 106 labs withdrew from the CPSC program. Accordingly, we estimate 20 labs will withdraw at an estimated total hourly burden of 10 hours (or 600 minutes) annually.

- **Audit Burden.**

The CPSC portion of an audit is required no less than once every two years. See 16 CFR 1112.35(b). Therefore, we estimated that 50 percent of third party conformity assessment bodies each year will go through an audit. This is based on FY20–24 data showing an average of 354 CPSC Audits per year. Based on the number of third party conformity assessment bodies that have already been accepted by the CPSC as of the end of May 2025 (686) and based upon our experience with the rate of

new successful applications, we predict that the total number of third party conformity assessment bodies will be 700 by FY26. Half of those, 350, will be audited annually. Depending on the type of conformity assessment body (*i.e.*, independent, firewalled, or governmental), and other factors not controlled by CPSC, audit burden would vary somewhat from body to body. We estimate that laboratories will spend approximately 15 minutes to resubmit their updated materials, including the CPSC Form 223, accredited scope listing and accreditation certificate for the CPSC Audits. Firewalled and governmental labs are also expected to submit an updated attestation, as well as an employee undue influence memorandum. In addition, for firewalled labs, a revised risk assessment of impartiality and undue influence is also included. Therefore, the total amount of time spent by conformity assessment bodies will be approximately 87.5 hours (350 bodies audited $\times$ 15 min. per audit = 5,250 minutes, or 87.5 hours).

Total Estimated Annual Burden:

Adding all the annual estimated burden hours results in a total of approximately 11,977 hours (87.2 hours application burden + 67 hours updating burden + 11,725 hours disclosure burden + 10 hours discontinue burden + 87.5 hours audit burden = 11,976.7 total annual burden hours).

To calculate the total cost of this PRA burden, we use the total compensation for all civilian workers, available from the U.S. Bureau of Labor Statistics "Employer Costs for Employee Compensation," which is \$47.20 per hour worked as of December 2024. At \$47.20 per hour, the total cost of the PRA burden is approximately \$565,314 (\$47.20 $\times$ 11,977 hours = \$565,314.40).

Request for Comments:

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- whether the estimated burden of the proposed collection of information is accurate;
- whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- whether the burden imposed by the collection of information could be minimized by use of automated,

electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2025–10508 Filed 6–9–25; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA BoV)

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Federal Advisory Committee meeting; in person.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Friday, July 11, 2025, time: 8:00 a.m.–11:00 a.m. Members of the public wishing to attend the meeting will be required to show a government photo ID upon entering in order to gain access to the meeting location. All members of the public are subject to security screening.

ADDRESSES: The meeting will be held at the West Point Military Reservation, Barth Hall, Camp Buckner, West Point, New York 10996.

FOR FURTHER INFORMATION CONTACT: Mr. David Nagle, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, United States Military Academy ATTN: David Nagle, 646 Swift Road, West Point, NY 10996; by email at: david.nagle@westpoint.edu or BoV@westpoint.edu; or by telephone at (845) 938–3716.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2025 Organizational Meeting of the

USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Introduction; Board Business; Election of Chair and Vice Chair for 2025, Swearing in of Presidential Appointees, Approval of the 2025 Rules of the US Military Academy Board of Visitors, Approval of the Minutes from the November 2024 BoV Meeting, select Summer 2025 meeting date; Open Discussion; Academy Update; Cadet Summer Training overview.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Nagle, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility security screening is required. A DoD government photo ID is required to enter the installation. Without a DoD ID, members of the public must first go to the Visitor Control Center in the West Point Visitor Center and undergo a background check before being allowed access to the installation. Members of the public should park at the West Point Motor Pool, located on New York State Route 293 across from the entrance to Camp Buckner. Transportation will be provided from the Motor Pool to Barth Hall. A government employee will escort members of the public to and from Barth Hall. Barth Hall is handicap accessible. Please note that all vehicles and persons entering the installation are subject to search and/or an identification check. Any person or vehicle refusing to be searched will be denied access to the installation. Members of the public should allow at least an hour for security checks, movement to the Motor Pool, and transportation to Barth Hall. For additional information about public access procedures, contact Mr. Nagle at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Nagle, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

James W. Satterwhite Jr.,

Army Federal Register Liaison.

[FR Doc. 2025–10467 Filed 6–9–25; 8:45 am]

BILLING CODE 3711–CC–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0023]

Agency Information Collection Activities; Comment Request; Transition and Postsecondary Programs for Students With Intellectual Disabilities (TPSID) Evaluation Protocol

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before August 11, 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–0023. 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](http://www.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 Shedita Alston, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5B117, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Shedita Alston, 202–453–7090.

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: Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) Evaluation Protocol.

OMB Control Number: 1840–0825.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 40.

Total Estimated Number of Annual Burden Hours: 788.

Abstract: In October 2020, the Institute for Community Inclusion (ICI), UMass Boston received a five-year cooperative agreement from the Office of Postsecondary Education to serve as the National Coordinating Center (NCC) for colleges and universities implementing inclusive higher education programs for students with intellectual disabilities, including 22 model demonstration projects aimed at creating inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities known as Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSIDs).

To reduce respondent burden, the NCC has streamlined and simplified the previously approved evaluation system for the TPSID programs. The NCC will enhance the collection and analyses of longitudinal follow-up data from the 22 TPSID model programs via an already developed and previously OMB approved evaluation system for the TPSID programs. The revised data collection system is part of an evaluation effort. The system will collect program data at the institutions

from TPSID program staff via an online, secure data management system.

Ross Santy,

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

[FR Doc. 2025–10433 Filed 6–9–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0024]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for TRIO Training Program for Federal TRIO Programs

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before July 10, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact ReShone Moore, 202–453–7624.

SUPPLEMENTARY INFORMATION: 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: Application Package for TRIO Training Program for Federal TRIO Programs.

OMB Control Number: 1840–0814.

Type of Review: A reinstatement without change of a previously approved ICR.

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

Total Estimated Number of Annual Responses: 46.

Total Estimated Number of Annual Burden Hours: 1,452.

Abstract: This information collection provides the U.S. Department of Education with information needed to evaluate, score and rank the quality of the projects proposed by institutions of higher education and public or private nonprofit agencies and organizations applying for a TRIO Training grant, in accordance with Title IV, Part A, Subpart 2, Section 402G of the Higher Education Act of 1965, as amended (HEA), which requires the collection of specific information and data necessary for applicants to receive an initial competitive grant and a non-competing grant for the second year.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Ross Santy,

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

[FR Doc. 2025–10463 Filed 6–9–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as

required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with changes of its Generic Clearance for Questionnaire Testing, Evaluation, and Research, OMB Control Number 1905–0186. EIA–882T, “Generic Clearance for Questionnaire Testing, Evaluation, and Research,” provides EIA with the authority to utilize qualitative and quantitative methodologies to pretest questionnaires and validate the quality of data collected on EIA’s surveys. EIA uses EIA–882T to meet its obligation to publish, and otherwise make available independent, high-quality statistical data to federal government agencies, state and local governments, the energy industry, researchers, and the general public.

DATES: Comments on this information collection must be received no later than July 10, 2025. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: If you need additional information, contact Kenneth Pick, EIA Clearance Officer, at (202) 586–5562, or by email at EIA-FRNcomments@eia.gov. Include the OMB control number listed in the subject line of the message.

SUPPLEMENTARY INFORMATION: This information collection request contains:

- (1) OMB No.: 1905–0186;
- (2) *Information Collection Request Title:* Generic Clearance for Questionnaire Testing, Evaluation, and Research;
- (3) *Type of Request:* Three-year extension with change;
- (4) *Purpose:* The U.S. Energy Information Administration (EIA) is requesting a three-year approval from the Office of Management and Budget (OMB) to utilize qualitative and quantitative methodologies to pretest questionnaires and validate the quality of the data that are collected on EIA and DOE survey forms. Through the use of these methodologies, EIA will conduct research studies to improve the quality of energy data being collected, reduce or minimize survey respondent burden, and increase agency efficiency. This authority would also allow EIA to improve data collection in order to meet the needs of EIA’s customers while also staying current in the evolving nature of the energy industry.

The specific methods EIA will continue to use for the coverage by this clearance are described below.

Pilot Surveys. Pilot surveys conducted under this clearance will generally be methodological studies and will always employ statistically representative samples. The pilot surveys will replicate all components of the methodological design, sampling procedures (where possible), and questionnaires of the full-scale survey. Pilot surveys will normally be utilized when EIA undertakes a complete redesign of a particular data collection methodology or when EIA undertakes data collection in new energy areas of the energy sector where data collection would provide utility to EIA.

Cognitive Interviews. Cognitive interviews are typically one-on-one interviews in which the respondent is usually asked to “think aloud” or is asked “retrospective questions” as they answer questions, reads survey materials, defines terminology, or completes other activities as part of a typical survey process. A number of different techniques may be involved including asking respondents what specific words or phrases mean or asking respondents probing questions to determine how they estimate, calculate, or determine specific data elements on a survey. The objectives of these cognitive interviews are to identify problems of ambiguity or misunderstanding, examine the process that respondents follow for reporting information, assess survey respondents’ ability to report new information, or identify other difficulties respondents have answering survey questions in order to reduce measurement error from estimates based on a survey.

Respondent Debriefings. Respondent debriefings conducted under this clearance will generally be methodological or cognitive research studies. The debriefing form is administered after a respondent completes a questionnaire either in paper format, electronically, or through personal interviews. The debriefings contain probing questions to determine how respondents interpret the survey questions, how much time and effort was spent completing the questionnaire, and whether they have problems in completing the survey/questionnaire. Respondent debriefings also are useful in determining potential issues with data quality and in estimating respondent burden.

Usability Testing. Usability tests are similar to cognitive interviews in which a respondent is typically asked to “think aloud” or asked “retrospective questions” as they review a survey

questionnaire, related materials, or website. The objective of usability testing is to check that respondents can easily and intuitively navigate survey questionnaires, related materials, and websites to submit their data to EIA.

Focus Groups. Focus groups are a qualitative method used early in questionnaire development to gather information about a topic that can later be used to write survey questions, such as specific terminology, definitions, sensitivity of topics, organizational processes, and burden associated with reporting. Information is collected by a moderator using a guided discussion with small groups of people (e.g., 8–10).

Field Techniques. Field techniques described in survey research and survey methodology literature will be employed as appropriate. These include follow-up probing, memory cue tasks, paraphrasing, confidence rating, response latency measurements, free and dimensional sort classification tasks, and vignette classifications. The objective of all of these techniques is to aid in the development of surveys that work with respondents’ thought processes, thus reducing response error and burden. These techniques have also proven useful for studying and revising pre-existing questionnaires.

Behavior Coding. Behavior coding is a quantitative technique in which a standard set of codes is systematically applied to respondent/interviewer interactions in interviewer-administered surveys or respondent/questionnaire interactions in self-administered surveys.

Split Panel Test. Split panel tests refer to controlled experimental testing of alternative hypotheses. Thus, they allow one to choose from among competing questions, questionnaires, definitions, error messages or survey improvement methodologies with greater confidence than any of the other methods. Split panel tests conducted during the fielding of the survey are superior in that they can support both internal validity (controlled comparisons of the variable(s) under investigation) and external validity (represent the population under study). Most of the previously mentioned survey improvement methods can be strengthened when teamed with this method.

(4a) *Changes to Information Collection:*

EIA proposes to collect personally identifiable information (PII) only to the extent necessary to recruit participants for questionnaire testing, evaluation, and research. This PII would not be retained, with the exception of information needed to provide

renumeration for participants of questionnaire testing, evaluation, and research and conduct associated data analysis.

(5) *Annual Estimated Number of Respondents*: 7,500;

(6) *Annual Estimated Number of Total Responses*: 7,500;

(7) *Annual Estimated Number of Burden Hours*: 7,500;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden*: \$712,425 (7,500 annual burden hours multiplied by \$94.99 per hour). EIA estimates that respondents will have no additional costs associated with the surveys other than the burden hours and the maintenance of the information during the normal course of business.

Statutory Authority: 15 U.S.C. 772(b), 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on June 5, 2025.

Samson A. Adeshiyan,

Director, Office of Statistical Methods and Research, U. S. Energy Information Administration.

[FR Doc. 2025–10475 Filed 6–9–25; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–497–000]

Northwest Pipeline LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on May 21, 2025, Northwest Pipeline LLC (Northwest), P.O. Box 1396, Houston, Texas 77251, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization to construct the new Daggett Compressor Station in Daggett County, Utah, including one Solar Taurus 70 gas turbine-driven compressor unit and associated facilities (Wild Trail Project or Project). The Project will enable Northwest to provide up to 57,955 dekatherms per day of incremental firm transportation service from the White River Hub in Rio Blanco County, Colorado, to Kern River Gas Transmission at the existing Muddy Creek interconnect in Lincoln County, Wyoming. Northwest estimates the total cost of the Project to be \$77,298,599 and proposes to charge a negotiated reservation rate under Rate Schedule TF–1, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

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

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

Any questions concerning this request should be directed to Moe Daraiseh, Senior Regulatory Analyst, Northwest, LLC, P.O. Box 1396, Houston, Texas 77251, by phone at (281) 520–1904, or email at Outreach@Williams.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene

in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on June 25, 2025. How to file protests, motions to intervene, and comments is explained below.

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

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before June 25, 2025.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP25–497–000 in your submission.

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

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

Commission's website (www.ferc.gov) under the link to Documents and Filings. 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 will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP25–497–000).

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

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

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under

the NGA⁸ by the intervention deadline for the project, which is June 25, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP25–497–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP25–497–000.

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

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

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

Protests and motions to intervene must be served on the applicant either by mail at: Moe Daraiseh, Senior Regulatory Analyst, Northwest, LLC, P.O. Box 1396, Houston, Texas 77251–1396, or by email (with a link to the document) at Outreach@Williams.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for

parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

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

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

Intervention Deadline: 5:00 p.m. Eastern Time on June 25, 2025.

Dated: June 4, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–10487 Filed 6–9–25; 8:45 am]

BILLING CODE 6717–01–P

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

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: PR25–56–000.

Applicants: Black Hills Wyoming Gas, LLC.

Description: 284.123 Rate Filing: Black Hills Wyoming Gas LAUF Filing to be effective 6/1/2025.

Filed Date: 6/4/25.

Accession Number: 20250604–5061.

Comment Date: 5 p.m. ET 6/25/25.

Docket Numbers: RP25–942–000.

Applicants: Columbia Gas Transmission, LLC.

Description: 4(d) Rate Filing: Neg Rate Amendments—BP & Citadel Eff. 6.3.25 to be effective 6/3/2025.

Filed Date: 6/3/25.

Accession Number: 20250603–5115.

Comment Date: 5 p.m. ET 6/16/25.

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.

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

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

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organization, 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: June 4, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–10483 Filed 6–9–25; 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 electric corporate filings:

Docket Numbers: EC25–94–000.

Applicants: Entergy Arkansas, LLC, Crossover Wind LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Entergy Arkansas, LLC, et al.

Filed Date: 5/30/25.

Accession Number: 20250530–5508.

Comment Date: 5 p.m. ET 6/20/25.

Docket Numbers: EC25–95–000.

Applicants: San Diego Gas & Electric Company.

Description: Application for Authorization Under Section 203 of the Federal Power Act of San Diego Gas & Electric Company.

Filed Date: 5/30/25.

Accession Number: 20250530–5509.

Comment Date: 5 p.m. ET 6/20/25.

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

Docket Numbers: EG25–345–000.

Applicants: Elawan Cibeles Solar LLC.

Description: Elawan Cibeles Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/3/25.

Accession Number: 20250603–5152.

Comment Date: 5 p.m. ET 6/24/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL25–89–000.

Applicants: Duke Energy Carolinas, LLC, Duke Energy Progress, LLC and Duke Energy Indiana, LLC.

Description: Petition for Declaratory Order, Blanket Authorizations, and Waivers of Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, and Duke Energy Indiana, LLC.

Filed Date: 5/30/25.

Accession Number: 20250530–5475.

Comment Date: 5 p.m. ET 6/30/25.

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

Docket Numbers: ER10–2739–036; ER14–1219–015; ER16–1732–014;

ER17–993–013; ER20–660–010; ER18–95–010; ER10–2729–015; ER21–202–002; ER17–989–013; ER10–1892–023; ER10–1854–020; ER22–425–003; ER17–990–013; ER17–1946–013; ER17–1947–007; ER17–1948–007; ER21–1133–003; ER16–1652–023; ER11–3320–020; ER14–2548–011; ER22–1241–002; ER10–2744–021; ER16–2406–015; ER16–2405–014; ER10–1618–018; ER13–2316–018; ER17–992–013; ER10–2678–021; ER10–1631–020; ER11–3321–013; ER14–19–019; ER20–1440–006.

Applicants: Yards Creek Energy, LLC, West Deptford Energy, LLC, Wallingford Energy LLC, University Park Energy, LLC, Troy Energy, LLC, Springdale Energy, LLC, Seneca Generation, LLC, Rolling Hills Generating, L.L.C., Rockford Power II, LLC, Rockford Power, LLC, Riverside Generating Company, L.L.C., REV Energy Marketing, LLC, Ocean State Power, LSP University Park, LLC, LifeEnergy LLC, Hummel Station, LLC, Helix Ravenswood, LLC, Helix Maine Wind Development, LLC, Helix Ironwood, LLC, Gans Energy, LLC, Enerwise Global Technologies, LLC, Doswell Limited Partnership, Columbia Energy LLC, Chambersburg Energy, LLC, Centrica Business Solutions Optimize, LLC, Buchanan Generation, LLC, Buchanan Energy Services Company, LLC, Bolt Energy Marketing, LLC, Bath County Energy, LLC, Aurora Generation, LLC, Armstrong Power, LLC, LS Power Marketing, LLC.

Description: Response to 05/02/2025 Deficiency Letter of Rolling Hills Generating, L.L.C.

Filed Date: 6/2/25.

Accession Number: 20250602–5261.

Comment Date: 5 p.m. ET 6/23/25.

Docket Numbers: ER15–190–022; EL24–27–000; ER19–1819–006; ER19–1820–006; ER19–1821–006; ER18–1343–016; ER21–2426–002.

Applicants: CPRE 1 Lessee, LLC, Carolina Solar Power, LLC, Speedway Solar NC, LLC, Stony Knoll Solar, LLC, Broad River Solar, LLC, Duke Energy Commercial Enterprises, LLC, Duke Energy Renewable Services, LLC.

Description: Response to Show Cause Order to December 7, 2023, Order on Updated Market Power Analysis, Instituting Section 206 Proceeding, and Establishing Refund Effective Date re Duke Energy Commercial Enterprises, LLC et al.

Filed Date: 2/2/24.

Accession Number: 20240202–5237.

Comment Date: 5 p.m. ET 6/25/25.

Docket Numbers: ER17–2364–008.

Applicants: St. Joseph Energy Center, LLC.

Description: Notice of Change in Status of St. Joseph Energy Center, LLC.

Filed Date: 6/3/25.
Accession Number: 20250603–5188.
Comment Date: 5 p.m. ET 6/24/25.
Docket Numbers: ER23–113–002; ER19–115–004; ER23–2899–002; ER24–619–003; ER24–773–002; ER24–2220–003; ER25–1446–001.
Applicants: MS Solar 7, LLC, FL Solar 7, LLC, Escalante Solar, LLC, MS Solar 5, LLC, MS Solar 6, LLC, FL Solar 5, LLC, AL Solar D, LLC.
Description: Notice of Change in Status of AL Solar D, LLC, et al.
Filed Date: 5/30/25.
Accession Number: 20250530–5506.
Comment Date: 5 p.m. ET 6/20/25.
Docket Numbers: ER25–2017–000; ER25–2018–000.
Applicants: Roadrunner Battery Storage LLC, Roadrunner Solar LLC.
Description: Supplement to April 23, 2025, Roadrunner Solar LLC, et al. tariff filing.
Filed Date: 5/30/25.
Accession Number: 20250530–5504.
Comment Date: 5 p.m. ET 6/13/25.
Docket Numbers: ER25–2043–000.
Applicants: Shallow Basket Energy, LLC.
Description: Shallow Basket Energy, LLC submits supplement to Application and Request for Shortened Comment Period and Expedited Treatment.
Filed Date: 6/2/25.
Accession Number: 20250602–5182.
Comment Date: 5 p.m. ET 6/12/25.
Docket Numbers: ER25–2368–000.
Applicants: Michigan Electric Transmission Company LLC.
Description: Motion of Michigan Electric Transmission Company, LLC for Leave to Supplement the Administrative Record and Request for New Effective Date.
Filed Date: 5/30/25.
Accession Number: 20250530–5076.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2368–000.
Applicants: Michigan Electric Transmission Company LLC.
Description: Amendment to Belle River Transmission Ownership and Operating Agreement of Michigan Electric Transmission Company, LLC.
Filed Date: 5/23/25.
Accession Number: 20250523–5306.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2417–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–06–03 Att X—to include 2023 Cycle in JTIQ Process to be effective 8/3/2025.
Filed Date: 6/3/25.
Accession Number: 20250603–5149.
Comment Date: 5 p.m. ET 6/24/25.
Docket Numbers: ER25–2418–000.

Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–06–03 MISO SPP JOA to add 2023 Cycle in JTIQ to be effective 8/3/2025.
Filed Date: 6/3/25.
Accession Number: 20250603–5150.
Comment Date: 5 p.m. ET 6/24/25.
Docket Numbers: ER25–2419–000.
Applicants: Black Hills Colorado Electric, LLC.
Description: 205(d) Rate Filing: Limited-Scope, Single Issue Filing to Revise Depreciation Rates to be effective 3/22/2025.
Filed Date: 6/3/25.
Accession Number: 20250603–5154.
Comment Date: 5 p.m. ET 6/24/25.
Docket Numbers: ER25–2420–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: SPP–MISO JOA Revisions to Include the MISO 2023 DPP Cycle in the JTIQ Process to be effective 8/3/2025.
Filed Date: 6/3/25.
Accession Number: 20250603–5155.
Comment Date: 5 p.m. ET 6/24/25.
Docket Numbers: ER25–2421–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: 205(d) Rate Filing: 97 NYPA REACH 6–3–2025 to be effective 6/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5000.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2422–000; TS25–2–000.
Applicants: CPV Backbone Solar, LLC, CPV Backbone Solar, LLC.
Description: Request for Temporary Waiver of Open Access Requirements of CPV Backbone Solar, LLC and Standards of Conduct requirements.
Filed Date: 5/30/25.
Accession Number: 20250530–5502.
Comment Date: 5 p.m. ET 6/20/25.
Docket Numbers: ER25–2423–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: 205(d) Rate Filing: Ameren Illinois Company submits tariff filing per 35.13(a)(2)(iii): 2025–06–04 SA 2880 Att A Proj Spec No. 12 WVPÄ-Delhi Load Addition to be effective 8/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5044.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2424–000.
Applicants: White Tail Solar, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 8/4/2025.
Filed Date: 6/4/25.

Accession Number: 20250604–5086.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2425–000.
Applicants: Midcontinent Independent System Operator, Inc., International Transmission Company, ITC Interconnection LLC.
Description: 205(d) Rate Filing: ITC Interconnection LLC submits tariff filing per 35.13(a)(2)(iii): 2025–06–04 ITC Transmission Request for Incentives to be effective 8/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5091.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2426–000.
Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.
Description: 205(d) Rate Filing: ITC Midwest LLC submits tariff filing per 35.13(a)(2)(iii): 2025–06–04 ITC Midwest Request for Incentives to be effective 8/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5110.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2427–000.
Applicants: The Dayton Power and Light Company.
Description: 205(d) Rate Filing: AES Ohio and Amazon Service Agreement to be effective 8/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5116.
Comment Date: 5 p.m. ET 6/25/25.
Docket Numbers: ER25–2428–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Amendment to ISA, SA No. 6704; Queue No. AF1–093 to be effective 8/4/2025.
Filed Date: 6/4/25.
Accession Number: 20250604–5118.
Comment Date: 5 p.m. ET 6/25/25.
Take notice that the Commission received the following electric securities filings:
Docket Numbers: ES25–48–000.
Applicants: Northern Indiana Public Service Company LLC.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Northern Indiana Public Service Company LLC.
Filed Date: 5/30/25.
Accession Number: 20250530–5510.
Comment Date: 5 p.m. ET 6/20/25.
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.

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 organization, 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: June 4, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-10482 Filed 6-9-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22-2466-000; ER22-2466-001]

Cube Yadkin Transmission LLC; Notice of Motion To Withdraw Compliance Filing and Motion for Extension of Time To Comply

On May 30, 2025, Cube Yadkin Transmission LLC (Cube Yadkin), filed a motion to withdraw its November 12, 2024 filing to comply with Order Nos. 881 and 881-A¹ and a motion for extension of time to comply with Order Nos. 881 and 881-A until July 12, 2027. Cube Yadkin states that the current effective date for compliance, July 12, 2025, does not provide Cube Yadkin with adequate time to develop and update processes, procedures and software to implement the requirements of Order No. 881 on Cube Yadkin's

limited and discrete facilities. According to Cube Yadkin, the requested extension will provide Cube Yadkin with "time to develop and implement processes tailored for the Yadkin Transmission Facilities that comply with Order No. 881 and to train [Cube Yadkin's] personnel to ensure continued operational reliability of the Yadkin Transmission Facilities." ²

Answers to the motion must be filed by 5:00 p.m. Eastern Time on June 9, 2025.

Dated: June 4, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-10493 Filed 6-9-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7987-016]

UP Property 2, LLC, Unique Places, LLC; Notice of Transfer of Exemption

1. By letter filed May 8, 2025, Jeff Fischer, Manager, UP Property 2, LLC, exemptee informed the Commission that the exemption from licensing for the High Falls Hydroelectric Project No. 7987, originally issued September 12, 1984¹ has been transferred to Unique Places, LLC. The project is located on the Deep River in Moore County, North Carolina. The transfer of an exemption does not require Commission approval.

Unique Places, LLC is now the exemptee of the High Falls Hydroelectric Project No. 7987. All correspondence should be forwarded to: Mr. Jeffrey A. Fisher, Manager, Unique Places, LLC, 5014 Hollow Rock Road, Durham, NC 27707, Phone: 919-632-0161, Email: jeff@uniqueplacesllc.com.

Dated: June 4, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025-10494 Filed 6-9-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15401-000]

Molitor, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 28, 2025, GeoSense, LLC, on behalf of Molitor, LLC (the applicant), filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Molitor Hydroelectric Project (or Project) to be located on Deep Creek, tributary of the Snake River, in Twin Falls County, Idaho. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) a 90-foot-long, 9.5 foot-high, 2-foot-wide concrete embankment; (2) a 0.5-acre impoundment with a normal surface elevation of approximately 3,310 feet above sea level; (3) a 3,500-foot-long concrete canal; (4) a 750-foot-long, 55-inch-diameter buried steel penstock; (5) a 40-foot-long, 25-foot-wide concrete and steel powerhouse containing a 714 kilowatt horizontal-Francis turbine-generator unit; (6) a 4,800-foot-long transmission line extending from powerhouse to the point of interconnection with Idaho Power facilities; and (7) appurtenant facilities. The estimated annual generation of the Project would be 4,376 megawatt-hours.

Applicants Contact: Peter Josten, GeoSense, LLC, 2742 Saint Charles Ave., Idaho Falls, ID 83404, (208) 339-3542, peter.gsense@gmail.com.

FERC Contact: Maryam Zavareh at Maryam.zavareh@ferc.gov.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: by 5:00 p.m. Eastern Time on August 4, 2025. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>.

¹ Managing Transmission Line Ratings, Order No. 881, 177 FERC ¶ 61,179 (2021), order addressing arguments raised on reh'g, Order No. 881-A, 179 FERC ¶ 61,125 (2022).

² Cube Yadkin May 30, 2025 Motion to Withdraw Compliance Filing and Motion for Extension to Comply at 4.

¹ Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less. *Cook Industries, Inc.*, 28 FERC ¶ 62,352 (1984).

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/eComment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of Commission’s website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 4, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025-10484 Filed 6-9-25; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2017-0652; FRL-12571-01-OCSPP]

Agency Information Collection Activities; Proposed Renewal of an Existing ICR Collection and Request for Comment; Access to TSCA Confidential Business Information Under TSCA Section 14(d)(4), (5), and (6)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces the availability of and solicits public comment on the following Information Collection Request (ICR) that EPA is planning to submit to the Office of Management and Budget (OMB): “Access to TSCA Confidential Business Information under TSCA section 14(d)(4), (5), and (6),” identified by EPA ICR No. 2570.03 and OMB Control No. 2070-0209. This ICR represents a renewal of an existing ICR that is currently approved through March 31, 2026. Before submitting the ICR to OMB for review and approval under the PRA, EPA is soliciting comments on specific aspects of the information collection that is summarized in this document. The ICR and accompanying material are

available in the docket for public review and comment.

DATES: Comments must be received on or before August 11, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0652, through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Katherine Sleasman, Office of Program Support (7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-1204; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.
2. Evaluate the accuracy of the Agency’s estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Access to TSCA Confidential Business Information under TSCA section 14(d)(4), (5), and (6).

EPA ICR No.: 2570.03.

OMB Control No.: 2070-0209.

ICR status: This ICR is currently approved through March 31, 2026. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The TSCA amendments of June 22, 2016, known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, expanded the categories of people to whom EPA may disclose TSCA confidential business information (CBI). The amendments authorize EPA to disclose TSCA CBI to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders, under certain conditions, including consistency with guidance that EPA is required to develop. Three guidance documents have been developed, corresponding to the new authorities in TSCA section 14(d)(4), (5), and (6).

The conditions for access vary under each of the new provisions, but generally include the following: requesters must show that they have a need for the information related to their employment, professional, or legal duties; recipients of TSCA CBI are prohibited from disclosing or permitting further disclosure of the information to individuals not authorized to receive it (physicians/nurses may disclose the information to their patient); and except in emergency situations EPA must notify the entity that made the CBI claim at least 15 days prior to disclosing the CBI. In addition, under these new provisions, requesters (except in some emergency situations) are required to sign an agreement and may be required to submit a statement of need to EPA.

In accordance with the requirements of TSCA section 14(c)(4)(B), the guidance documents cover the content and form of the agreements and statements required under each

provision and include information on where and how to submit requests to EPA.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 14.8 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/affected entities: Entities potentially affected are those that Respondents affected by this activity are mainly government employees (federal, state, local, tribal), as well as medical professionals, such as doctors and nurses. The North American Industrial Classification System (NAICS) codes for health care and social assistance is 62.

Respondent's obligation to respond: Voluntary.

Forms: None.

Frequency of response: On occasion.

Total estimated number of potential respondents: 6.

Total estimated average number of responses for each respondent: 1.

Total estimated annual burden hours: 89 hours.

Total estimated annual respondent costs: \$6,585.49, which includes \$0 for capital investment or maintenance and operational costs.

III. Are there changes in the estimates from the last approval?

There is no change in the estimated total annual burden compared with that identified in the ICR currently approved by OMB, but there is an increase in the estimated burden costs and a decrease in the estimated number of total respondents. The increase in the respondent burden and agency costs were caused by an increase in the hourly wages and a change in the methodology to calculate loaded wages (wages plus fringe benefits and overhead). This is an adjustment.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval

process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

Dated: June 4, 2025.

Nancy B. Beck,

*Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.*

[FR Doc. 2025–10461 Filed 6–9–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2024–0551; FRL–12418–02–OCSPP]

Science Advisory Committee on Chemicals (SACC) Peer Review; High-Priority Phthalates; Draft Risk Evaluations and Technical Support Documents; Notice of SACC Meeting; Availability of Draft Documents and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing that there will be two virtual public meetings of the Science Advisory Committee on Chemicals (SACC). On July 21, 2025, a preparatory meeting for the SACC to consider the scope and clarity of the draft charge questions for the peer review; and on August 4 through 8, 2025, a peer review meeting for the SACC to consider the dibutyl phthalate (DBP), the dicyclohexyl phthalate (DCHP), and the di(2-ethylhexyl) phthalate (DEHP) draft risk evaluations, as well as the technical support documents for butyl benzyl phthalate (also known as benzyl butyl phthalate, BBP) and diisobutyl phthalate (DIBP), and public comments. The charge questions will address scientific and technical issues identified for peer review in all five phthalate risk evaluations scheduled to be finalized in 2025. EPA is also announcing the availability of and soliciting public comment on the draft documents and charge questions that will be provided to the SACC for this peer review. The draft risk evaluations and technical support documents were prepared under the Toxic Substances Control Act (TSCA) and will be submitted to the SACC for peer review.

DATES:

Preparatory Public Meeting

Meeting date: July 21, 2025, 1 p.m. to approximately 4 p.m. (EDT).

Registration: To request time to present oral comments during the preparatory meeting, you must register by noon (12 p.m. EDT) on July 14, 2025, and submit a written version of your oral comments by noon (12 p.m. EDT) on July 18, 2025. For those not making oral comments, registration will remain open through the end of this meeting on July 21, 2025.

SACC Peer Review Public Meeting

Meeting dates: August 4 through 8, 2025, 10 a.m. to approximately 5 p.m. (EDT).

Registration: To request time to present oral comments during the peer review meeting, you must register by noon (12 p.m. EDT) July 28, 2025, and submit a written version of your oral comments by noon (12 p.m. EDT) on August 1, 2025. For those not making oral comments, registration will remain open through the end of this meeting on August 8, 2025.

Comments

Submit written comments on the draft risk evaluation and technical support documents for consideration by the SACC for peer review, on or before July 25, 2025. To be considered by the SACC during the peer review meeting, the comments must be submitted to the peer review docket by July 21, 2025.

Special Accommodations

To allow sufficient time for EPA to process your request for special accommodations before the meeting, please submit the request at least ten business days in advance of the relevant meeting.

ADDRESSES:

Comments: Submit written comments, identified by docket identification (ID) number EPA–HQ–OPPT–2024–0551, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional information on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

Meeting registration: Online registration will be available in July 2025. Please refer to the SACC website at <https://www.epa.gov/tsca-peer-review>. After registering, you will receive the webcast and streaming service meeting links and audio teleconference information.

Special accommodation requests: To request an accommodation for a

disability, please contact the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Designated Federal Official (DFO): Dr. Alaa Kamel, Mission Support Division (7602M), Office of Program Support, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency; telephone number: (202) 564-5336 or call the SACC main office at (202) 564-8450; email address: kamel.alaa@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

EPA is announcing that there will be two virtual public meetings of the Science Advisory Committee on Chemicals (SACC). On July 21, 2025, a preparatory meeting for the SACC to consider the scope and clarity of the draft charge questions for the peer review; and on August 4 through 8, 2025, a peer review meeting for the SACC to consider the draft risk evaluations and technical support documents and public comments. The charge questions associated with these draft risk evaluations will address scientific and technical issues identified for peer review of all five phthalate risk evaluations scheduled to be finalized in 2025. The charge questions will be available in EPA docket ID No. EPA-HQ-OPPT-2024-0551 on or before June 16, 2025.

EPA is also announcing the availability of and soliciting public comment on the draft documents that will be provided to the SACC for this peer review, including the draft charge questions that will be provided to the peer reviewers; the draft risk evaluations to inform risk management decisions under TSCA for DBP, DCHP, and DEHP; the non-cancer human health and environmental hazard draft technical support documents for BBP and DIBP; and three cross-phthalate technical support documents, specifically the:

- Draft Meta-Analysis and Benchmark Dose Modeling of Fetal Testicular Testosterone Technical Support Document;
- Draft Cancer Human Health Hazard Assessment Technical Support Document; and
- Revised Draft Technical Support Document for the Cumulative Risk Analysis (CRA).

EPA recently announced the availability of the draft risk evaluations for DBP and DEHP, and two cross-phthalate technical support documents (the Draft Cancer Human Health Hazard

Assessment Technical Support Document and the Revised Draft Technical Support Document for the Cumulative Risk Analysis (CRA)) for public comment (see <https://www.epa.gov/chemicals-under-tsca/epa-releases-draft-tsca-risk-evaluations-phthalates-dbp-and-dehp-public> (FRL-12808-01-OCSP)). In January 2025, EPA released the draft risk evaluations for DCHP, along with the draft technical support documents for BBP and DIBP; and the cross-phthalate Draft Meta-Analysis and Benchmark Dose Modeling of Fetal Testicular Testosterone Technical Support Document. The draft risk evaluations were prepared under the Toxic Substances Control Act (TSCA) and will be submitted to the SACC for peer review.

This document provides instructions for accessing the materials, submitting written comments, and registering to provide oral comments and virtually attend the public meetings.

B. What is the Agency's authority for taking this action?

EPA established the SACC in 2016 in accordance with TSCA, 15 U.S.C. 2625(o), to provide independent advice and expert consultation with respect to the scientific and technical aspects of issues relating to the implementation of TSCA. The SACC operates in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. 10, and supports activities under TSCA, 15 U.S.C. 2601 *et seq.*, the Pollution Prevention Act (PPA), 42 U.S.C. 13101 *et seq.*, and other applicable statutes.

C. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture, processing, distribution, and disposal of the subject chemical substances, and/or those interested (including members of at-risk communities, non-governmental organizations (NGOs), and federal, state, and local officials) in the assessment of risks involving chemical substances and mixtures regulated under TSCA.

D. What should I consider as I submit my comments to EPA?

1. *Submitting CBI.* Do not submit CBI or other sensitive information to EPA through <https://www.regulations.gov> or email. To include information in your comment that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting that information.

2. *Tips for preparing comments.*

When preparing and submitting your comments, see <https://www.epa.gov/dockets/commenting-epa-dockets>. See also the instructions in Unit III.C.

E. How can I stay informed about SACC activities?

You may subscribe to the following listserv for alerts regarding this and other SACC-related activities: https://public.govdelivery.com/accounts/USAEOPT/subscriber/new?topic_id=USAEOPT_101.

II. Background

A. What is the purpose of the SACC?

The SACC provides independent advice and recommendations to the EPA on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under TSCA. The SACC is composed of experts in toxicology; environmental risk assessment; exposure assessment; and related sciences (e.g., chemistry, biology, pharmacology, biotechnology, nanotechnology, biochemistry, biostatistics, physiologically based pharmacokinetic (PBPK) modeling, computational toxicology, epidemiology, environmental fate, and environmental engineering and sustainability). When needed, the SACC committee will be assisted by *ad hoc* reviewers with specific expertise in the topics under consideration.

B. Why is EPA conducting these risk evaluations?

TSCA requires EPA to conduct risk evaluations on high-priority chemical substances and identifies the minimum components EPA must include in all chemical substance risk evaluations. The purpose of conducting risk evaluations is to determine whether a chemical substance presents an unreasonable risk to human health or the environment under the conditions of use (COUs). These evaluations include assessing risks to relevant potentially exposed or susceptible subpopulations. As part of this process, EPA: (1) Integrates hazard and exposure assessments using the best available science that is reasonably available to assure decisions are based on the weight of the scientific evidence, and (2) Conducts peer review for risk evaluation approaches that have not been previously peer reviewed. For more information about the three stages of EPA's process for ensuring the safety of existing chemicals (i.e., prioritization, risk evaluation, and risk management), go to <https://www.epa.gov/assessing->

and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals.

C. Why did EPA develop these documents?

EPA designated the following chemicals as High-Priority Substances for risk evaluation under TSCA (84 FR 71924, December 30, 2019 (FRL-10003-15)): butyl benzyl phthalate (also known as benzyl butyl phthalate, CASRN 85-68-7), dibutyl phthalate (CASRN 84-74-2), dicyclohexyl phthalate (CASRN 84-61-7), di(2-ethylhexyl) phthalate (CASRN 117-81-7), and diisobutyl phthalate (CASRN 84-69-5). For these chemicals, EPA published draft and final scope documents (85 FR 22733, April 23, 2020 (FRL-10008-05) and 85 FR 55281, September 4, 2020 (FRL-10013-90)). The scope documents outlined the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Agency expected to consider in its risk evaluations. Although there are some differences in conditions of use and exposures, these chemical substances are primarily used as plasticizers in polyvinyl chloride (PVC) products and in adhesives, sealants, paints, coatings, rubbers, and other applications.

Given the significant similarities in exposure and physical chemical properties of these phthalates, EPA is developing these risk evaluations, and the cross-phthalate draft technical support documents in parallel. Diisodecyl phthalate (DIDP) and diisononyl phthalate (DINP) were reviewed previously by the SACC (89 FR 43847, May 20, 2024 (FRL-11760-02-OCSPP)); the draft risk evaluations for BBP, DBP, DCHP, DEHP, and DIBP are incorporating many of the SACC recommendations from this previous peer review. Draft risk evaluations for BBP and DIBP will be released prior to the SACC peer review meeting and announced subsequently in the **Federal Register**.

In this SACC peer review of the draft risk evaluations for DBP, DCHP, and DEHP, EPA is soliciting comments from the SACC on the draft risk evaluations, including analyses of physical chemical properties, fate and transport in the environment, exposure to workers, consumers and general population including potentially exposed susceptible subpopulations, releases to the environment, environmental hazard and risk characterization for terrestrial and aquatic species, and human health hazard and risk characterization for workers, consumers, and the general population. Along with the full draft

risk evaluations for DBP, DCHP, and DEHP, EPA is also soliciting feedback on its BBP and DIBP non-cancer human health hazard, and environmental hazard, draft technical support documents and the three cross-phthalate technical support documents (specifically, the Draft Meta-Analysis and Benchmark Dose Modeling of Fetal Testicular Testosterone Technical Support Document, the Draft Cancer Human Health Hazard Assessment Technical Support Document, and the Revised Draft Technical Support Document for the Cumulative Risk Analysis). The Revised Draft Technical Support Document for the Cumulative Risk Analysis was developed based on the Draft Proposed Approach for Cumulative Risk Assessment under TSCA including recommendations from the May 2023 SACC review (see docket ID No. EPA-HQ-OPPT-2022-0918).

D. What is the topic of the planned SACC peer review?

EPA anticipates that the SACC peer review will focus on the complete draft risk evaluations for DBP, DCHP, and DEHP; the non-cancer human health and environmental hazard draft technical support documents for BBP and DIBP; and the three cross-phthalate technical support documents (specifically, the Draft Meta-Analysis and Benchmark Dose Modeling of Fetal Testicular Testosterone Technical Support Document, the Draft Cancer Human Health Hazard Assessment Technical Support Document, and the Revised Draft Technical Support Document for the Cumulative Risk Analysis). EPA anticipates requesting SACC peer review of the questions pertaining to critical inputs and novel approaches contained in these documents to constitute full peer review of all high priority substance phthalate risk evaluations.

III. Public Meeting of the SACC

A. What is the purpose of the virtual public meeting(s)?

The purpose of the preparatory public meeting is for the SACC to consider and ask questions regarding the scope and clarity of the draft charge questions, and the public peer review meeting is for the SACC to consider, and peer review the draft risk evaluations and technical support documents. These public meetings are part of the SACC's peer review of the Agency's methods and novel analyses for the draft risk evaluations. The agenda for these meetings will be posted in the docket and will also be available through the SACC website.

Recommendations from this SACC review and public comments will be considered in the development of the TSCA risk evaluations and may inform other EPA efforts related to the assessment and regulation of the chemical substances. The Agency will be seeking SACC review of its data analyses and methodologies relevant to human health hazard and exposure analyses that have not been previously peer-reviewed.

B. How can I participate in the virtual public meeting(s)?

To participate in these virtual public meetings, you must register online to receive the webcast and streaming service meeting links and audio teleconference information for each meeting. Online registration will be available approximately one month prior to the meeting and will remain open through the end of the meeting. To make oral comments during one of these meetings, follow the instructions in this document.

C. How can I access the documents?

The draft risk evaluations, related supporting materials and draft charge questions are available in docket ID No. EPA-HQ-OPPT-2024-0551. EPA will include additional meeting background materials as they become available, (e.g., SACC members and the meeting agenda) in the docket and through the Peer Review of High-Priority Phthalates website at <https://www.epa.gov/tsca-peer-review/peer-review-evaluating-risk-high-priority-phthalates>.

D. How can I provide comments?

To ensure proper receipt of comments, it is imperative that you identify docket ID No. EPA-HQ-OPPT-2024-0551 in the subject line on the first page of your comments and follow the instructions in this document.

1. *Written comments.* Submit written comments by the deadlines set in the **DATES** section of this document and as described in the **ADDRESSES** section of this document.

2. *Oral comments.* To request time to present oral comments during one of the virtual public meetings, you must register online by the deadlines set in the **DATES** section of this document. Oral comments during the virtual public meetings are limited to five minutes unless arrangements have been made, within the constraints of the meeting agenda, prior to July 24, 2025. In addition, each speaker should submit a written copy of their oral comments and any supporting materials (e.g., presentation slides) to the DFO prior to the meetings for distribution to the

SACC by the deadlines set in the **DATES** section of this document.

IV. Next Steps

After the SACC public meeting, the SACC will prepare the meeting minutes and a final report document summarizing its recommendations to the EPA, which will also be available in the docket and through the SACC website. EPA will consider the SACC recommendations and public comments to complete the risk evaluations and unreasonable risk determinations under TSCA for these chemical substances. Under TSCA, EPA must then initiate risk management actions to address the unreasonable risk it identified.

Authority: 15 U.S.C. 2625(o); 5 U.S.C. 10.

Dated: June 5, 2025.

Nancy B. Beck,

*Principal Deputy Assistant Administrator,
Office of Chemical Safety and Pollution
Prevention.*

[FR Doc. 2025–10460 Filed 6–9–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1306; FR ID 297448]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications
Commission.

ACTION: Notice and request for
comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 10, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRa@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the

Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–1306.

Title: Do Not Originate Requirements Voice Service Providers Report and Order.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents: 6,493 respondents; 77,916 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in sections 4(i), 4(j), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 217, 227, 227b, 251(e), 303(r), and 403.

Total Annual Burden: 155,832 hours.

Total Annual Cost: No cost.

Needs and Uses: This notice and request for comments seeks to revise an existing information collection as it pertains to the Advanced Methods to Target and Eliminate Unlawful Robocalls Sixth Report and Order and Call Authentication Trust Anchor Fifth Report and Order (“Gateway Provider Report and Order”), FCC 22–37. These revisions stem from the Advanced Methods to Target and Eliminate Unlawful Robocalls Eighth Report and Order (“Call Blocking Eighth Report and Order”), FCC 25–15. Unwanted and illegal robocalls have long been the Commission’s top source of consumer complaints and one of the Commission’s top consumer protection priorities. Foreign-originated robocalls represent a significant portion of illegal robocalls, and gateway providers serve as a critical choke-point for reducing the number of illegal robocalls received by American consumers. In the Gateway Provider Report and Order, the Commission took steps to prevent these foreign-originated illegal robocalls from reaching consumers and to help track these calls back to the source.

Call Blocking Eighth Report and Order, FCC 25–15, paras. 9–14, 47 CFR 64.1200(o).

A voice service provider must block any calls purporting to originate from a number on a reasonable do-not-originate

list. A list so limited in scope that it leaves out obvious numbers that could be included with little effort may be deemed unreasonable. The do-not-originate list may include only:

(i) Numbers for which the subscriber to which the number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only;

(ii) North American Numbering Plan numbers that are not valid;

(iii) Valid North American Numbering Plan Numbers that are not allocated to a provider by the North American Numbering Plan Administrator; and

(iv) Valid North American Numbering Plan numbers that are allocated to a provider by the North American Numbering Plan Administrator, but are unused, so long as the provider blocking the calls is the allocatee of the number and confirms that the number is unused or has obtained verification from the allocatee that the number is unused at the time of blocking.

The modified information collection for which OMB approval is sought comes from the revisions in the Eighth Call Blocking Report and Order (Call Blocking Eighth Report and Order at paras. 9–14) to the requirement originally adopted in the Gateway Provider Report and Order (Gateway Provider Order, at paras. 87–91). The categories of numbers that may be included on the reasonable DNO list are the same categories of numbers for which the Commission first authorized blocking in 2017 (Gateway Provider Order, at paras. 87–88; Call Blocking Eighth Report and Order at paras. 9–14), and did not change in the Eighth Call Blocking Report and Order. There is no valid reason for a caller to originate a call from these numbers calls purporting to originate from these numbers are highly likely to be illegal.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–10470 Filed 6–9–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1022; FR ID 296958]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; and ways to minimize the burden of the collection of information on the respondents, including the use of automated collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before August 11, 2025. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1022.

Title: Sections 101.1403, 101.103(f), 101.1413, 101.1440, 101.1417 and 25.139 (MVDDS reporting, recordkeeping and third-party disclosures; NGSO FSS and DBS recordkeeping and third-party disclosures).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 18 respondents; 2,238 responses.

Estimated Time per Response: 0.25 hour–40 hours.

Frequency of Response: Annual and on occasion reporting requirements; 5- and 10-years reporting requirements;

third party disclosure requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. 47 U.S.C. 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j).

Total Annual Burden: 5,316 hours.

Total Annual Cost: No cost.

Needs and Uses: This collection includes a Part 25 rule and various rules in Part 101 that govern record retention, reporting, and third-party disclosure requirements related to satellite and terrestrial sharing of the 12.2–12.7 GHz band. The satellite operators are Non-Geostationary Orbit Fixed Satellite Service (NGSO FSS) and Direct Broadcast Satellite (DBS) Service. The terrestrial operators are Multichannel Video Distribution and Data Service (MVDDS). The following information collected will assist the Commission in analyzing trends and competition in the marketplace. Section 25.139 requires NGSO FSS licensees to maintain a subscriber database in a format that can be readily shared to enable MVDDS licensees to determine whether a proposed MVDDS transmitting antenna meets the minimum spacing requirement relative to qualifying, existing NGSO FSS subscriber receivers (set forth in § 101.129, FCC Rules). Section 101.1403 requires certain MVDDS licensees that meet the statutory definition of Multichannel Video Programming Distributor (MVPD) to comply with the broadcast carriage requirements located 47 U.S.C. 325(b)(1). Any MVDDS licensee that is an MVPD must obtain the prior express authority of a broadcast station before retransmitting that station's signal, subject to the exceptions contained in § 325(b)(2) of the Communications Act of 1934. Section 101.103(f) requires MVDDS licensees to provide notice of intent to construct a proposed antenna to NGSO FSS licensees operating in the 12.2–12.7 GHz frequency band and to establish and maintain an internet website of all existing transmitting sites and transmitting antenna that are scheduled for operation within one year including the “in service” dates. Section 101.1413, as a construction requirement, requires MVDDS licensees to file a showing of substantial service at five and ten years into the initial license term. Substantial service is defined as a “service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal.” The Commission set forth a safe harbor to serve as a guide to licensees in satisfying the substantial service requirement, as well as additional factors that it would take into consideration in determining whether a

licensee satisfies the substantial service standard. Section 101.1440 requires MVDDS licensees to collect information and disclose information to third parties. Therefore, the reporting and disclosure requirements are as follows: Section 101.1440 requires MVDDS licensees to conduct a survey of the area around its proposed transmitting antenna site to determine the location of all DBS customers of record that may potentially be affected by the introduction of its MVDDS service. At least 90 days prior to the planned date of MVDDS commencement of operations, the MVDDS licensee must then provide specific information to the DBS licensee(s). Alternatively, MVDDS licensees may obtain a signed, written agreement from DBS customers of record stating that they are aware of and agree to their DBS system receiving MVDDS signal levels in excess of the appropriate Equivalent Power Flux Density (EPFD) limits. The DBS licensee must thereafter provide the MVDDS licensee with a list of only those new DBS customer locations that have been installed in the 30-day period following the MVDDS notification that the DBS licensee believes may receive harmful interference or where the prescribed EPFD limits may be exceeded. If the MVDDS licensee determines that its signal level will exceed the EPFD limit at any DBS customer site, it shall take whatever steps are necessary, up to and including finding a new transmitter site. Section 101.1417 requires MVDDS licensees to file an annual report. The MVDDS licensees must file with the Commission two copies of a "licensee information report" by March 1st of each year for the preceding calendar year. This "licensee information report" must include name and address of licensee; station(s) call letters and primary geographic service area(s); and statistical data for the licensee's station.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025-10471 Filed 6-9-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0349; FR ID 297566]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees." The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before July 10, 2025.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6)

when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

OMB Control Number: 3060-0349.

Title: Equal Employment Opportunity ("EEO") Policy, 47 CFR 73.2080, 76.73, 76.75, 76.79 and 76.1702.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit institutions.

Number of Respondents and Responses: 21,034 respondents, 21,034 responses.

Estimated Time per Response: 42 hours.

Frequency of Response: Recordkeeping requirement; annual reporting; five and eight year reporting requirements and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority which covers this information collection is contained in sections 154(i) and 303 of the Communications Act of 1934, as amended, and Section 634 of the Cable Communications Policy Act of 1984.

Total Annual Burden: 883,428 hours.

Total Annual Cost: No cost.

Needs and Uses: The information collection requirements approved under

this collection are as follows: 47 CFR 73.2080 provides that equal opportunity in employment shall be afforded by all broadcast stations to all qualified persons and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin or sex. Section 73.2080 requires that each broadcast station employment unit with 5 or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a broadcast station's policy and practice. These same requirements also apply to Satellite Digital Audio Radio Service ("SDARS") licensees. In 1997, the Commission determined that SDARS licensees must comply with the Commission's EEO requirements. *See Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band*, 12 FCC Rcd 5754, 5791, ¶ 91 (1997) ("1997 SDARS Order"), FCC 97–70. In 2008, the Commission clarified that SDARS licensees must comply with the Commission's EEO broadcast rules and policies, including the same recruitment, outreach, public file, website posting, record-keeping, reporting, and self-assessment obligations required of broadcast licensees, consistent with 47 CFR 73.2080, as well as any other Commission EEO policies. *See Applications for Consent to the Transfer of Control of Licenses, SM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee*, 23 FCC Rcd 12348, 12426, ¶ 174, and note 551 (2008).

47 CFR 76.73 provides that equal opportunity in employment shall be afforded by all multichannel video program distributors ("MVPD") to all qualified persons and no person shall be discriminated against in employment by such entities because of race, color, religion, national origin, age or sex.

Section 76.75 requires that each MVPD employment unit employing six or more full-time employees shall establish, maintain and carry out a program to assure equal opportunity in every aspect of a cable entity's policy and practice.

Section 76.79 requires that every MVPD employment unit employing six or more full-time employees maintain, for public inspection, a file containing copies of all annual employment reports and related documents.

Section 76.1702 requires that every MVPD employment unit employing six or more full-time employees place certain information concerning its EEO program in its public inspection file.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2025–10486 Filed 6–9–25; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 297613]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended ("Privacy Act"), this document announces a new computer matching program the Federal Communications Commission ("FCC" or "Commission" or "Agency") and the Universal Service Administrative Company (USAC) will conduct with the Minnesota Department of Human Services. The purpose of this matching program is to verify the eligibility of applicants to and subscribers of Lifeline, and the Affordable Connectivity Program (ACP), both of which are administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before July 10, 2025. This computer matching program will commence on July 10, 2025, and will conclude 18 months after the effective date.

ADDRESSES: Send comments to Elliot S. Tarloff, FCC, 45 L Street NE, Washington, DC 20554, or to *Privacy@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Elliot S. Tarloff at 202–418–0886 or *Privacy@fcc.gov*.

SUPPLEMENTARY INFORMATION: The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, or various Tribal-specific federal assistance programs.

In the Consolidated Appropriations Act, 2021, Public Law 116–260, 134

Stat. 1182, 2129–36 (2020), Congress created the Emergency Broadband Benefit Program, and directed use of the National Verifier to determine eligibility based on various criteria, including the qualifications for Lifeline (Medicaid, SNAP, etc.). EBBP provided \$3.2 billion in monthly consumer discounts for broadband service and one-time provider reimbursement for a connected device (laptop, desktop computer or tablet). In the Infrastructure Investment and Jobs Act, Public Law 117–58, 135 Stat. 429, 1238–44 (2021) (codified at 47 U.S.C. 1751–52), Congress modified and extended EBBP, provided an additional \$14.2 billion, and renamed it the Affordable Connectivity Program (ACP). A household may qualify for the ACP benefit under various criteria, including an individual qualifying for the FCC's Lifeline program.

In a Report and Order adopted on March 31, 2016, (81 FR 33026, May 24, 2016) (*2016 Lifeline Modernization Order*), the Commission ordered USAC to create a National Lifeline Eligibility Verifier ("National Verifier"), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program.

The Consolidated Appropriations Act of 2021 directs the FCC to leverage the National Verifier to verify applicants' eligibility for ACP. The purpose of this matching program is to verify the eligibility of Lifeline and ACP applicants and subscribers by determining whether they receive SNAP and Tribal TANF benefits administered by the Minnesota Department of Human Services.

PARTICIPATING AGENCIES:

Minnesota Department of Human Services (source agency); Federal Communications Commission (recipient agency) and Universal Service Administrative Company.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The authority to conduct the matching program for the FCC's ACP is 47 U.S.C. 1752(a)–(b). The authority to conduct the matching program for the FCC's Lifeline program is 47 U.S.C. 254(a)–(c), (j).

PURPOSE(S):

The purpose of this new matching agreement is to verify the eligibility of

applicants and subscribers to Lifeline, as well as to ACP and other Federal programs that use qualification for Lifeline as an eligibility criterion. This new agreement will permit eligibility verification for the Lifeline program and ACP by checking an applicant's/ subscriber's participation in SNAP and Medicaid in Minnesota. Under FCC rules, consumers receiving these benefits qualify for Lifeline discounts and also for ACP benefits.

CATEGORIES OF INDIVIDUALS:

The categories of individuals whose information is involved in the matching program include, but are not limited to, those individuals who have applied for Lifeline and/or ACP benefits; are currently receiving Lifeline and/or ACP benefits; are individuals who enable another individual in their household to qualify for Lifeline and/or ACP benefits; are minors whose status qualifies a parent or guardian for Lifeline and/or ACP benefits; or are individuals who have received Lifeline and/or ACP benefits.

CATEGORIES OF RECORDS:

The categories of records involved in the matching program include the last four digits of the applicant's Social Security Number, date of birth, first and last name. The National Verifier will transfer these data elements to the Minnesota Department of Human Services which will respond either "yes" or "no" that the individual is enrolled in a qualifying assistance program: SNAP and Medicaid administered by the Minnesota Department of Human Services.

SYSTEM(S) OF RECORDS:

The records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB-1, Lifeline, which was published in the **Federal Register** at 89 FR 28777 (Apr. 19, 2024).

The records shared as part of this matching program reside in the ACP system of records, FCC/WCB-3, Affordable Connectivity Program, which was published in the **Federal Register** at 89 FR 28780 (Apr. 19, 2024).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2025-10479 Filed 6-9-25; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS25-06]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, codified at 12 U.S.C. 3333(b), notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: This will be a virtual meeting via Zoom. Please visit the agency's homepage (www.asc.gov) and access the registration link provided in the News and Events section. You MUST register in advance to attend this meeting.

Date: June 18, 2025.

Time: 10:00 a.m. ET.

Status: Open.

Reports

Acting Chair
Acting Executive Director
Delegated State Compliance Reviews
Notation Votes

Action and Discussion Items

- Approval of Minutes
 - November 20, 2024 Quarterly Meeting Minutes
- Fiscal Year 2026 Notice of Funding Availability for State Grants
- Fiscal Year 2025 Notice of Funding Availability for the Appraisal Foundation
- Compliance Reviews
 - New Hampshire Appraiser Program Compliance Review
 - New Hampshire Appraisal Management Company Program Compliance Review
 - Puerto Rico Appraiser Program Compliance Review

How To Attend and Observe an ASC Meeting

The meeting will be open to the public via live webcast only. Visit the agency's homepage (www.asc.gov) and access the registration link provided in the News and Events section. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing

device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC Meetings.

Loretta Schuster,

Management & Program Analyst.

[FR Doc. 2025-10510 Filed 6-9-25; 8:45 am]

BILLING CODE 6700-01-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Tuesday, June 24, 2025.

PLACE: The meeting will be held via remote means and/or in the Richard V. Backley Hearing Room, Room 511, 1331 Pennsylvania Avenue NW, Suite 504 North, Washington, DC 20004.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission will conduct a meeting closed to the public to consider motions to reopen in the following matters: (1) *Argos Puerto Rico Corp.*, Docket No. SE 2025-0061; (2) *MDI Mining*, Docket No. WEST 2025-0154; and (3) *Nelson Quarries*, Docket No. CENT 2025-0191. Commissioners will attend the meeting. Commission staff members who provide technological support and other Commission staff may also be present as necessary. This meeting is closed to the public pursuant to 5 U.S.C. 552b(c)(10) on the basis of the Commission's consideration or disposition of a "particular case of formal agency adjudication."

CONTACT PERSON FOR MORE INFORMATION: Rory P. Smith (202) 525-8649/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Authority: 5 U.S.C. 552b.

Dated: June 6, 2025.

Rory P. Smith,

Attorney-Advisor.

[FR Doc. 2025-10585 Filed 6-6-25; 11:15 am]

BILLING CODE 6735-01-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 June 25, 2025.

A. Federal Reserve Bank of Atlanta (Erien O. Terry, Assistant Vice President) 1000 Peachtree Street, NE, Atlanta, Georgia 30309. Comments can also be sent electronically to Applications.Comments@atl.frb.org:

1. Danielle R. Bush, individually, and as trustee of the Danielle R. Bush Revocable Trust both of Bethesda, Maryland; Dorothea Bush Frye and Laurence W. Frye, individually and as co-trustees of the Dorothea Bush Frye Revocable Trust and the Laurence W. Frye Revocable Trust, all of Fort Lauderdale, Florida; to retain voting shares of Franklin Bancshares, Inc., and thereby indirectly retain voting shares of Bank of Franklin, both of Meadville, Mississippi.

Board of Governors of the Federal Reserve System.
Michele Taylor Fennell,
Associate Secretary of the Board.
[FR Doc. 2025–10499 Filed 6–9–25; 8:45 am]
BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (National Institute Allergy and Infectious Diseases)

AGENCY: National Institutes of Health, HHS.
ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Sarah Hijaz, Health Science Policy Analyst, Office of Strategic Planning, Initiative Development and Analysis, 5601 Fishers Lane, Rockville, Maryland 20892 or call non-toll-free number (301) 761–7790 or email your request, including your address to: sarah.hijaz@nih.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on November 29, 2024 (89 FR 94750) and allowed 60 days for public comment. One public comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

The National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NIAID), 0925–0668, Expiration Date 07/31/2025, EXTENSION, National Institute of Allergy and Infectious Diseases (NIAID).

Need and Use of Information Collection: There are no changes being requested for this submission. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide information about the NIAID's customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the NIAID and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours over 3 years are 7,200 (2,400 per year).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Customer satisfaction surveys	4,000	1	30/60	2,000
In-Depth Interviews (IDIs) or Small Discussion Groups	20	1	90/60	30
Individual Brief Interviews	40	1	15/60	10

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Focus Groups	30	1	2	60
Pilot testing surveys	20	1	30/60	10
Conferences and Training Pre- and Post-surveys	500	1	30/60	250
Website or Software Usability Tests	20	1	2	40
Total	4,630	4,630		2,400

Dated: June 4, 2025.

Brandie K. Taylor Bumgardner,

Project Clearance Liaison, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

[FR Doc. 2025–10491 Filed 6–9–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

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

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships and Mentored Training: Gastroenterology and Related Disciplines.

Date: July 10–11, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Rm. 7011, Bethesda, MD 20892–5452, (301) 594–7799, yangj@extra.nidk.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Immunology B Review Panel.

Date: July 10, 2025.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Seyhan Boyoglu Barnum, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, seyhan.boyoglu-barnum@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Immunology B Review Panel.

Date: July 10–11, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Diana Maria Ortiz-Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5614, diana.ortiz-garcia@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Topics in Biophysics and Biochemistry.

Date: July 10–11, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–2381, dennis.pantazatos@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–24–011: Pilot Projects to Enhance Utility and Usage of Data Sets from the Molecular Transducers of Physical Activity Consortium (MoTrPAC).

Date: July 10, 2025.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Chiguang Feng, Ph.D.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Substance Use Disorders.

Date: July 11, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Meysam Yazdankhah, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute on Drug Abuse, Scientific Review Branch, 11601 Landsdown Street, 3WF, Room Hoteling, Rockville, MD 20852, (301) 402–6965, meysam.yazdankhah@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Human Psychopathology and developmental disabilities.

Date: July 11, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Rajasri Roy, Ph.D., Scientific Review Officer, SRB Scientific Review Branch, National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 496–6477, rajasri.roy@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 5, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–10490 Filed 6–9–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[BLM_UT_FRN_MO4500183479]****Rescission and Termination of the Preparation of a Resource Management Plan for the Cedar City Field Office, Utah, and Associated Environmental Impact Statement****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of rescission and termination.

SUMMARY: The Bureau of Land Management (BLM) is announcing the rescission of the notice of intent (NOI) to prepare a resource management plan (RMP) for the Cedar City Field Office in southwestern Utah and the termination of the environmental impact statement (EIS) analyzing the potential impacts of long-term management of resources, activities, and uses within the planning area.

DATES: This rescission and termination take effect immediately.

FOR FURTHER INFORMATION CONTACT: Hayden Houston, BLM Color Country District Office Planning and Environmental Coordinator, at (435) 865-3011 or hhouston@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Mr. Houston. 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: Pursuant to the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the BLM published on September 10, 2010, its NOI to prepare a RMP and associated EIS (75 FR 55344). The RMP/EIS would have analyzed the impacts of long-term management of resources, activities, and uses across 2.1 million acres of public land in the BLM Cedar City Field Office. Due to the length of time since the public scoping process was completed and the changed circumstances and resource management pressures that have occurred in the planning area during that time, the BLM is rescinding its NOI to prepare a RMP and is terminating the EIS announced in the **Federal Register** at 75 FR 55344.

(Authority: 42 U.S.C. 4332, 4336a; 43 CFR 46.435(a))

Matthew A. Preston,
Acting BLM Utah State Director.

[FR Doc. 2025-10438 Filed 6-9-25; 8:45 am]

BILLING CODE 4331-25-P**INTERNATIONAL TRADE COMMISSION****[Investigation No. 731-TA-1021 (Fourth Review)]****Malleable Iron Pipe Fittings From China****Determination**

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that revocation of the antidumping duty order on malleable iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on November 1, 2024 (89 FR 87419, November 1, 2024) and determined on February 4, 2025, that it would conduct an expedited review (90 FR 11548, March 7, 2025).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on June 4, 2025. The views of the Commission are contained in USITC Publication 5633 (June 2025), entitled *Malleable Iron Pipe Fittings from China: Investigation No. 731-TA-1021 (Fourth Review)*.

By order of the Commission.

Issued: June 4, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-10453 Filed 6-9-25; 8:45 am]

BILLING CODE 7020-02-P**INTERNATIONAL TRADE COMMISSION****[Investigation Nos. 701-TA-768-770 and 731-TA-1751-1754 (Preliminary)]****Steel Concrete Reinforcing Bar From Algeria, Bulgaria, Egypt, and Vietnam; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations****AGENCY:** United States International Trade Commission.**ACTION:** Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701-TA-768-770 and 731-TA-1751-1754 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of steel concrete reinforcing bar (rebar) from Algeria, Bulgaria, Egypt, and Vietnam, provided for in subheadings 7213.10.0000, 7214.20.0000, and 7228.30.8010 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of Algeria, Egypt, and Vietnam. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 21, 2025. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 28, 2025.

DATES: June 4, 2025.

FOR FURTHER INFORMATION CONTACT:

Amelia Graytock ((202) 205-2047), 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

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on June 4, 2025, by Rebar Trade Action Coalition, Washington, DC. The individual members of the Rebar Trade Action Coalition are Byer Steel Corporation; Commercial Metals Company; Gerdau Ameristeel US Incorporated; Nucor Corporation; Optimus Steel; and Steel Dynamics, Incorporated.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the

preliminary phase of these investigations beginning at 9:30 a.m. on June 25, 2025. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before noon on June 23, 2025. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) √ United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on June 30, 2025, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on June 24, 2025. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the

information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 5, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10480 Filed 6–9–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–650–651 (Final) (Second Remand)]

Phosphate Fertilizers From Morocco and Russia

AGENCY: United States International Trade Commission.

ACTION: Notice of remand proceedings.

SUMMARY: The U.S. International Trade Commission (“Commission”) hereby gives notice of the procedures it intends to follow to comply with the court-ordered remand of its final determination in the countervailing duty investigations concerning phosphate fertilizers from Morocco and Russia. For further information concerning the conduct of these remand proceedings and rules of general application, consult the Commission's Rules of Practice and Procedure.

DATES: June 4, 2025.

FOR FURTHER INFORMATION CONTACT: Calvin Chang ((202) 205–3358), Office of Investigations, or Courtney McNamara ((202) 205–3095), Office of General Counsel, 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 Investigation Nos. 701–TA–650–651 (Final) (Second Remand) may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—In March 2021, the Commission determined that a domestic industry was materially injured by reason of imports of phosphate fertilizers from Morocco and Russia. *Phosphate Fertilizers from Morocco and Russia*, Inv. Nos. 701–TA–650–651 (Final), USITC Pub. 5172 (March 2021). Respondents, OCP S.A and EuroChem North America Corporation, contested the Commission's determinations before the U.S. Court of International Trade ("CIT"), along with PhosAgro PJSC, International Materials Ltd., and Koch Fertilizer. On September 23, 2023, the CIT issued an order remanding the case to the Commission. *OCP, S.A. v. United States*, 658 F. Supp. 3d 1297, 1324 (Ct. Int'l Trade 2023).

On January 17, 2024, the Commission filed its remand results in which it continued to find that the domestic industry was materially injured by reason of subject imports. *Phosphate Fertilizers from Morocco and Russia*, Inv. Nos. 701–TA–650–651, USITC Pub. 5490 (Jan. 2024) (Final) (Remand). On April 22, 2025, the CIT issued a decision under seal in which it remanded the Commission's decision for further proceedings. *OCP S.A. v. United States*, Consol. Ct. No. 21–00219, Slip Op. No. 25–51 (April 22, 2025) ("*OCP III*"). The CIT's decision has not been publicly released at this time.

Participation in the remand proceedings.—Only those persons who were interested parties that participated in the investigations of Phosphate Fertilizers from Morocco and Russia and were also parties to the appeal may participate in these remand proceedings. Such persons need not file any additional appearances with the Commission to participate in the remand proceedings, unless they are adding new individuals to the list of persons entitled to receive business proprietary information ("BPI") under administrative protective order ("APO"). BPI referred to during the remand proceedings will be governed,

as appropriate, by the APO issued in the investigations. The Secretary will maintain a service list containing the names and addresses of all persons or their representatives who are parties to the remand proceedings, and the Secretary will maintain a separate list of those authorized to receive BPI under the administrative protective order during the remand proceedings.

Written submissions.—The Commission is not reopening the record and will not accept the submission of new factual information for the record. The Commission will permit the parties entitled to participate in the remand proceedings to file comments concerning how the Commission could best comply with the court's remand instructions.

The comments must be based solely on the information in the Commission's record. The Commission will reject submissions containing additional factual information or arguments pertaining to issues other than those on which the court has remanded this matter. The deadline for filing comments is June 20, 2025. Comments must be limited to no more than twenty-five (25) double-spaced and single-sided pages of textual material, inclusive of attachments and exhibits.

Parties are advised to consult with the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission. All written submissions must conform to the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please note the Secretary's Office will accept only electronic filings at 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. The Commission's *Handbook on E-Filing*, available on the Commission's website at <http://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, will 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 sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (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.

By order of the Commission.

Issued: June 4, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–10452 Filed 6–9–25; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Harry Kram, M.D.; Decision and Order

On September 24, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Harry Kram, M.D., of Torrance, California (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. AK1539444, alleging that Registrant's registration should be revoked because Registrant is "currently without authority to handle controlled substances in the State of California, the state in which [he is] registered with DEA." *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).¹

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.² "A default, unless

¹ According to Agency records, Registrant's registration expired on December 31, 2024. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68476–79 (2019).

² Based on the Government's submissions in its RFAA dated December 12, 2024, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on October 2, 2024, the DI personally left a copy of the OSC at Registrant's known personal residence. RFAAX 2, at 1–2. The DI also mailed a copy of the OSC to Registrant's known personal residence, Registrant's registered address, and two additional addresses associated with Registrant. *Id.* at 2. Finally, the DI emailed a copy of the OSC to five different email

excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC]." 21 CFR 1301.43(e).

Further, "[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67." *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, on or about September 12, 2023, the Medical Board of California (the Board) revoked Registrant's California medical license, but stayed the revocation for three years during which time Registrant was placed on probation subject to various terms and conditions. RFAAX 1, at 1–2. On December 29, 2023, the Board issued a Cease Practice Order that prohibited Registrant from practicing medicine in California because Registrant violated the terms of his probation. *Id.* at 2.

According to California online records, of which the Agency takes official notice,³ Registrant's California medical license is "Delinquent" with no practice permitted. California DCA License Search, <https://search.dca.ca.gov> (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice medicine in

California, the state in which he is registered with DEA.⁴

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 "upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances." With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) ("The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21)."). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978).⁵

⁴ Pursuant to 5 U.S.C. 556(e), "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary." The material fact here is that Registrant, as of the date of this decision, is not licensed to practice medicine in California. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.gov.

⁵ This rule derives from the text of two provisions of the CSA. First, Congress defined the term "practitioner" to mean "a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the

According to California statute, "dispense" means "to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery." Cal. Health & Safety Code section 11010 (West 2024). Further, a "practitioner" means a person "licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state." *Id.* at section 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As discussed above, an individual must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice medicine in California and, therefore, is not currently authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AK1539444 issued to Harry Kram, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Harry Kram, M.D., to renew or modify this registration, as well as any other pending application of Harry Kram, M.D., for additional registration in California. This Order is effective July 10, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 4, 2025, by Acting Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register

appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371–72; *Sheran Arden Yeates, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.*, 43 FR 27617.

addresses associated with Registrant. *Id.* Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were "reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action." *Jones v. Flowers*, 547 U.S. 220, 226 (2006) (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.*, 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

³ Under the Administrative Procedure Act, an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–10501 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Serge Menkin, M.D.; Decision and Order

On October 15, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Serge Menkin, M.D., of Holmdel, New Jersey (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BM8723795, alleging that Registrant's registration should be revoked because Registrant is "currently without authority to handle controlled substances in New Jersey, the state in which [he is] registered with DEA." *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).¹

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 2.² "A default, unless excused, shall be deemed to constitute a waiver of the [registrant's] right to a hearing and an admission of the factual allegations of the [OSC]." 21 CFR 1301.43(e).

Further, "[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such

circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67." *Id.* § 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default, pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 2; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, on July 9, 2024, the New Jersey State Board of Medical Examiners suspended Registrant's New Jersey medical license. RFAAX 1, at 1–2. Further, according to the OSC, Registrant's New Jersey controlled dangerous substance license is inactive. *Id.* at 1.

According to New Jersey online records, of which the Agency takes official notice, Registrant's New Jersey medical license is currently active, but Registrant's New Jersey controlled dangerous substance license currently remains inactive.³ New Jersey Division of Consumer Affairs License Verification, <https://newjersey.mylicense.com/verification> (last visited date of signature of this Order). Accordingly, the Agency finds that while Registrant is licensed to practice medicine in New Jersey, the state in which he is registered with DEA, Registrant is not licensed to handle controlled substances in New Jersey.⁴

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 "upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . .

dispensing of controlled substances." With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales v. Oregon*, 546 U.S. 243, 270 (2006) ("The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21)."). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371, 71372 (2011), *pet. for rev. denied*, 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.*, 43 FR 27616, 27617 (1978).⁵

According to New Jersey statute, "[e]very person who manufactures, distributes, or dispenses any controlled dangerous substance within this State or who proposes to engage in the manufacture, distribution, or dispensing of any controlled dangerous substance within this State, shall obtain a registration issued by the [Division of Consumer Affairs] in accordance with rules and regulations promulgated by it." N.J. Rev. Stat. section 24:21–10(a) (2025). Further, "dispense" means "to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering,

⁵ This rule derives from the text of two provisions of the CSA. First, Congress defined the term "practitioner" to mean "a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice." 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that "[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices." 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.*, 76 FR 71371–72; *Sheran Arden Yeats, M.D.*, 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.*, 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.*, 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.*, 43 FR 27617.

¹ According to Agency records, Registrant's registration expired on January 31, 2025. The fact that a registrant allows his registration to expire during the pendency of an OSC does not impact the Agency's jurisdiction or prerogative under the Controlled Substances Act (CSA) to adjudicate the OSC to finality. *Jeffrey D. Olsen, M.D.*, 84 FR 68474, 68476–79 (2019).

² Based on the Government's submissions in its RFAA dated December 10, 2024, the Agency finds that service of the OSC on Registrant was adequate. Specifically, the included signed DEA–12 Form indicates that on October 17, 2024, Registrant was personally served with the OSC by a DEA Diversion Investigator. RFAAX 2.

³ Under the Administrative Procedure Act, an agency "may take official notice of facts at any stage in a proceeding—even in the final decision." United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

⁴ Pursuant to 5 U.S.C. 556(e), "[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary." The material fact here is that Registrant, as of the date of this decision, is not licensed to handle controlled substances in New Jersey. Accordingly, Registrant may dispute the Agency's finding this fact by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration at dea.addo.attorneys@dea.gov.

packaging, labeling, or compounding necessary to prepare the substance for that delivery.” *Id.* section 24:21–2.

Here, the undisputed evidence in the record is that Registrant currently lacks authority to dispense controlled substances in New Jersey because Registrant’s New Jersey controlled dangerous substance license is inactive. As discussed above, an individual must hold a New Jersey controlled dangerous substance license to dispense a controlled substance in New Jersey. Thus, because Registrant lacks authority to handle controlled substances in New Jersey, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant’s DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BM8723795 issued to Serge Menkin, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Serge Menkin, M.D., to renew or modify this registration, as well as any other pending application of Serge Menkin, M.D., for additional registration in New Jersey. This Order is effective July 10, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 3, 2025, by Acting Administrator Robert J. Murphy. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–10502 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On June 3, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Idaho in the lawsuit entitled *United States, et al. v. Nu-West Mining Inc. and Nu-West Industries, Inc.*, Civil Action No. 4:25–cv–00287–AKB.

The proposed Consent Decree would resolve claims the United States has brought against defendants pursuant to Sections 106 and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, and 9613(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (“CERCLA”) regarding the East Mill Dump Sub-Operable Unit (“EMDSOU”) at the North Maybe Mine Site in Idaho. The Decree would also resolve claims by the State of Idaho (“State”) and Shoshone-Bannock Tribes (“Tribes”), pursuant to CERCLA Section 107 and 113(g)(2), seeking recovery of response costs incurred in response to releases of hazardous substances at the Site and a judgment on liability for response costs that will be binding on any subsequent action or actions to recover further response costs pursuant to Sections 107 and 113(g)(2) of CERCLA, 42 U.S.C. 9607, 9613(g)(2).

Under the Consent Decree, Defendants will perform response actions at the EMDSOU pursuant to the September 1, 2022, Interim Record of Decision. Defendants will also pay funds for oversight costs to the State, Tribes and the United States Fish and Wildlife Service. In exchange, the United States will provide covenants not to sue or to take administrative action against defendants pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) for the Work. The State and the Tribes also provide covenants not to sue or take administrative action against defendants regarding the Work, State Response Costs, and Tribal Response Costs under any of Sections 106 and 107(a) of CERCLA, the Idaho Environmental Protection & Health Act, Idaho Code secs. 39–101 to 39–130, the Hazardous Waste Management Act of 1983, Idaho Code secs. 39–4401 to 39–4432, and the Idaho Water Quality Act, Idaho Code secs. 39–3601, *et seq.* Defendants provide corresponding covenants to the United States.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. Nu-West Mining Inc., et al.*, 4:25–cv–00287–AKB, D.J. Ref. No. #90–11–3–1776/10. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the Proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Kathryn C. Macdonald,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2025–10509 Filed 6–9–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Request for Electronic Service of Orders—Waiver of Certified Mail Requirement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers’ Compensation Programs (OWCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 10, 2025.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: The collections of information in the LS–801 and LS–802 forms waive the requirement for compensation orders to be delivered by certified mail. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 7, 2025 (90 FR 11555).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OWCP.

Title of Collection: Request for Electronic Service of Orders—Waiver of Certified Mail Requirement.

OMB Control Number: 1240–0053.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 58,732.

Total Estimated Number of Responses: 58,732.

Total Estimated Annual Time Burden: 4,894 hours.

Total Estimated Annual Other Costs Burden: \$330.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2025–10437 Filed 6–9–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Veterans’ Employment and Training Service (VETS)

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Homeless Veterans’ Reintegration Program Budget and Narrative Form

ACTION: Notice of information collection; request for comments.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is assessed. Currently, the DOL is soliciting comments on the information collection request (ICR) for the Budget and Narrative Form submitted by Homeless Veterans’ Reintegration Program (HVRP) grant recipients regarding the preparation of the budget and budget narrative for use of grant funds and activities supporting expenditures for their HVRP.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 11, 2025.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely

respondents, proposed frequency of response, and estimated total burden, may be obtained for free by contacting Chris Brown by telephone at (202) 693–2990 (this is not a toll-free number) or by email at HVRP@dol.gov.

Submit written comments about this ICR by email to: HVRP@dol.gov. Include “HVRP Budget and Narrative Form” in the subject line. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT:

Chris Brown, Homeless Veterans’ Reintegration Program (HVRP) Lead-Office of Grants and Training, by telephone at (202) 693–2990 (this is not a toll-free number) or by email at HVRP@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor’s VETS administers funds for the Homeless Veterans’ Reintegration Program (HVRP) grant on an annual basis. These competitive grants are codified under 38 U.S.C. 2021, 2021A, and 2023. VETS provides funds to grant recipients through annual Funding Opportunity Announcements (FOA) and incremental funding throughout the grant’s three-year (12 quarters) period of performance. The total number of grant recipients varies from year to year based on the amount of available funds. Grants are awarded up to \$500,000 each year, for a total of up to \$1,500,000 for the three-year period of performance.

The Assistant Secretary for Veterans’ Employment and Training monitors and supervises the distribution and use of those funds as required by 38 U.S.C. 2021 and 38 U.S.C. 2021A. Additionally, and in accordance with 38 U.S.C. 2021(d), the Secretary shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section.

The approval of this form will create the use of standardized formats for grant recipients’ preparation of the budget and budget narrative. In accordance with 2 CFR appendix-I-to-part-200(b)(4)(ii)(I), VETS’ annual FOA requires the submission of a budget narrative for VETS’ applicants to show that their proposed costs are allowable under 2 CFR 200.403 and are necessary and reasonable for carrying out the HVRP grant. Collecting this information via this form helps to ensure that

requested data is provided in a uniform way, reporting burdens are minimized, errors in budget formulation and calculation are nullified, and the impact of collection requirements on respondents are described in its instructions. VETS will use the HVRP Budget and Narrative Form for monitoring the expenditure of grant funds according to the program budget throughout the period of performance, and to satisfy the regulatory requirements in accordance with 2 CFR 200.308(c) if there is a need for the grant recipient to request a budget revision. This collection instrument is clearly understood by respondents, and the information is easily evaluable by VETS for cost principles guidelines found in 2 CFR part 200, subpart E.

II. Desired Focus of Comments

VETS is particularly interested in comments on these topics:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of VETS' estimate of the burden related to the information collection, including the validity of the methodology and assumptions used in the estimate;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Documents related to this information collection request are available at <https://regulations.gov> and at DOL-VETS located at <https://www.dol.gov/agencies/vets/programs/hvrp>. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This information collection request concerns *HVRP Budget and Narrative Form*. VETS has listed the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request. VETS seeks PRA authorization for this information collection for three (3) years. OMB authorization for an Information Collection Review cannot be for more than three (3) years without renewal.

Type of Review: New Collection.

Agency: VETS.
OMB Control Number: 1293-0NEW.
Affected Public: Businesses or other for-profits, Not-for-profit institutions, State and Local Governments.
Number of Respondents: 151.
Annual Burden Hours: 6.
Annual Respondent or Recordkeeper Cost: \$448.68.

Estimated Total Annual Burden Hours: 906.

VETS Forms: HVRP Budget and Narrative Form.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

Dated: June 5, 2025.

Jessie Duff,
Deputy Assistant Secretary of Policy,
Veterans' Employment and Training Service.

[FR Doc. 2025-10474 Filed 6-9-25; 8:45 am]

BILLING CODE 4510-79-P

NUCLEAR REGULATORY COMMISSION

[NRC-2025-0092]

Monthly Notice; Applications and Amendments To Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. **DATES:** Comments must be filed by July 10, 2025. A request for a hearing or petitions for leave to intervene must be filed by August 11, 2025. This monthly notice includes all amendments issued, or proposed to be issued, from April 24, 2025, to May 22, 2025. The last monthly notice was published on May 14, 2025.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject); however, the NRC encourages electronic comment submission through the Federal rulemaking website.

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0092. 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.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Susan Lent, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1365; email: Susan.Lent@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2025-0092, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2025-0092.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in

this document are provided in the “Availability of Documents” section.

- *NRC’s PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2025-0092, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments To Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees’ analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR) “Notice for public comment; State consultation,” are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission’s regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of

a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. 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 any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that 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 a current copy of 10 CFR 2.309. If a petition is filed, the Commission or a 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).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration, which will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

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>.

B. 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)–(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.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees’ proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the “Obtaining Information and Submitting Comments” section of this document.

LICENSE AMENDMENT REQUEST(S)

Arizona Public Service Company, et al; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Maricopa County, AZ

Docket Nos.	50–528, 50–529, 50–530.
Application Date	April 8, 2025.
ADAMS Accession No.	ML25098A330.
Location in Application of NSHC	Pages 11–13 of the Enclosure.
Brief Description of Amendments	The proposed amendments would approve changes to the Palo Verde Nuclear Generating Station Emergency Plan Shift Manager/Emergency Coordinator staffing requirements and staff augmentation timeframe.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Carey Fleming, Senior Counsel, Pinnacle West Capital Corporation, 500 N 5th Street, MS 8695, Phoenix, AZ 85004.
NRC Project Manager, Telephone Number	William Orders, 301 415–3329.

Constellation Energy Generation, LLC; Zion Nuclear Power Station, Units 1 and 2; Lake County, IL

Docket Nos.	50–295, 50–304, 72–1037.
Application Date	March 7, 2025.
ADAMS Accession No.	ML25066A171.
Location in Application of NSHC	Pages 8–9 of Attachment 1.

LICENSE AMENDMENT REQUEST(S)—Continued

Brief Description of Amendments	The proposed amendments would delete certain license conditions relating to the License Termination Plan and delete license conditions relating to the terms and conditions of decommissioning trust agreements, and, instead, conform to the 10 CFR 50.75(h) regulations.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Zorn, Associate General Counsel, Constellation Energy Generation, LLC 4300 Winfield Road Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Kristina Banovac, 301-415-7116.

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit 3; New London County, CT

Docket No.	50-423.
Application Date	April 22, 2025.
ADAMS Accession No.	ML25113A202.
Location in Application of NSHC	Pages 3-5 of Attachment 1.
Brief Description of Amendment	The proposed amendment would adopt Technical (TS) Specifications Task Force (TSTF) Traveler TSTF-577, Revision 1, "Revised Frequencies for Steam Generator Tube Inspections." The amendment would revise the TSs related to steam generator tube inspections and reporting requirements in TS section 6.8.4.g, "Steam Generator (SG) Program," and TS section 6.9.1.7, "Steam Generator Tube Inspection Report," respectively, based on operating history.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Energy Services, Inc., 120 Tredegar St., RS-2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Richard Guzman, 301-415-1030.

Energy Northwest; Columbia Generating Station; Benton County, WA

Docket No.	50-397.
Application Date	March 21, 2025.
ADAMS Accession No.	ML25083A158.
Location in Application of NSHC	Pages 8-10 of the Enclosure.
Brief Description of Amendment	The proposed amendment would modify Columbia Generating Station Technical Specification 3.3.2.1, "Control Rod Block Instrumentation," Required Action C.2.1.2, which restricts reactor startup with an inoperable Rod Worth Minimizer to once per calendar year. The proposed change to Required Action C.2.1.2 would allow additional reactor startups with a new action to verify performance of coupling checks for the first 12 control rods withdrawn.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Ryan Lukson, Assistant General Counsel, Energy Northwest, MD 1020, P.O. Box 968, Richland, WA 99352.
NRC Project Manager, Telephone Number	Mahesh Chawla, 301-415-8371.

Florida Power & Light Company; Turkey Point Nuclear Generating Unit 3 and 4; Miami-Dade County, FL

Docket Nos.	50-250, 50-251.
Application Date	March 26, 2025.
ADAMS Accession No.	ML25085A134.
Location in Application of NSHC	Pages 6-8 of the Enclosure.
Brief Description of Amendments	The proposed amendments would revise Technical Specifications 3.4.9, Pressurizer, by removing the Pressurizer heater group emergency power supply requirements.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	James Petro, Managing Attorney—Nuclear, Florida Power and Light Company 700 Universe Boulevard, MS LAW/JB, Juno Beach, FL 33408-0420.
NRC Project Manager, Telephone Number	Blake Purnell, 301-415-1380.

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN

Docket Nos.	50-282, 50-306.
Application Dates	March 12, 2025, as supplemented by letter dated April 15, 2025.
ADAMS Accession No.	ML25071A416, ML25105A222.
Location in Application of NSHC	Pages 3-5 of the Enclosure.
Brief Description of Amendments	The proposed amendments would adopt Technical Specification (TS) Task Force-541, "Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position," which is an approved change to the Standard TS, into the Prairie Island Nuclear Generating Plant, Units 1 and 2, TSs and modifies certain TS Surveillance Requirements (SRs) by adding exceptions to consider the SR met when automatic valves or dampers are locked, sealed, or otherwise secured in the actuated position, in order to consider the SR met. Securing the automatic damper in the actuated position may affect the operability of the system or any supported systems. The associated Limiting Condition for Operation is met if the subject structure, system or component remains operable (i.e., capable of performing its specified safety function).
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tim Mastrogiacomio, VP, Federal Regulatory, Legal and Policy Xcel Energy 701 Pennsylvania Ave. NW, Suite 250 Washington, DC 20004.
NRC Project Manager, Telephone Number	Beth Wetzel, 301-415-5223.

LICENSE AMENDMENT REQUEST(S)—Continued

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA

Docket Nos.	50-275, 50-323.
Application Date	March 26, 2025.
ADAMS Accession No.	ML25085A409.
Location in Application of NSHC	Pages 12-14 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would modify Technical Specifications (TS) 4.2.1, "Fuel Assemblies," and TS 5.6.5 "Core Operating Limits Report (COLR)," to allow the use of Optimized ZIRLO as an approved fuel rod cladding material.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jennifer Post, Esq., Pacific Gas and Electric Co., 77 Beale Street, Room 3065, Mail Code B30A, San Francisco, CA 94105.
NRC Project Manager, Telephone Number	Samson Lee, 301-415-3168.

Southern Nuclear Operating Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2; Appling County, GA

Docket Nos.	50-321, 50-366.
Application Date	April 18, 2025.
ADAMS Accession No.	ML25108A112.
Location in Application of NSHC	Pages E1-E3 of the Enclosure.
Brief Description of Amendments	The proposed amendments would modify the Edwin I. Hatch Nuclear Plant, Units 1 and 2, Technical Specifications (TSS) to adopt Technical Specifications Task Force Traveler-584 (TSTF-584) "Eliminate Automatic RWCU [Reactor Water Cleanup] System Isolation on SLC [Standby Liquid Control] Initiation". TSTF-584 revises the TS to remove the requirement that the RWCU System automatically isolate on manual initiation of the SLC System.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295.
NRC Project Manager, Telephone Number	Rachael Davis, 301-415-0805.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Units 1 and 2; Luzerne County, PA

Docket Nos.	50-387, 50-388.
Application Date	April 8, 2025.
ADAMS Accession No.	ML25098A331.
Location in Application of NSHC	Pages 7-9 of Attachment 1.
Brief Description of Amendments	The proposed amendments would revise the Technical Specifications to change the leakage rate measurement from the main steam isolation valve to the main steam line.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jason Usher, 600 Hamilton Street, Suite 600, Allentown, PA 18101.
NRC Project Manager, Telephone Number	Audrey Klett, 301-415-0489.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL

Docket Nos.	50-259, 50-260, 50-296.
Application Date	April 10, 2025.
ADAMS Accession No.	ML25100A124.
Location in Application of NSHC	Pages E1-9-E1-10 of Enclosure 1.
Brief Description of Amendments	The proposed amendments would revise the Browns Ferry Nuclear Plant, Units 1, 2, and 3, Technical Specifications by adopting Technical Specifications Task Force (TSTF) Traveler TSTF-423-A, Revision 1, "Technical Specifications End States, NEDC-32988-A." Specifically, the proposed amendments would modify the end state for selected Required Actions to allow the plants to stay in MODE 3. The proposed amendments would also revise the lettering of some TS Conditions to accommodate the addition of new Conditions needed to meet the intent of TSTF-423-A, Revision 1, as well as revise the wording of a few Conditions and Required Actions due to the plant-specific design of the Browns Ferry Units.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	David Fountain, Executive VP and General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 6A-K, Knoxville, TN 37902.
NRC Project Manager, Telephone Number	Kimberly Green, 301-415-1627.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards

and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, were published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances

provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The

safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT ISSUANCE(S)

Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Units 1 and 2, Ogle County, IL; Constellation Energy Generation, LLC; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Calvert County, MD; Constellation Energy Generation, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, New York

Docket Nos.	50-456, 50-457, 50-454, 50-455, 50-317, 50-318, 50-244.
Amendment Date	May 19, 2025.
ADAMS Accession No.	ML25132A150.
Amendment Nos.	Braidwood 240 (Unit 1), 240 (Unit 2); Byron 239 (Unit 1) , 239 (Unit 2); Calvert Cliffs 353 (Unit 1), 329 (Unit 2); Ginna 158.
Brief Description of Amendments	The amendments revised the Technical Specifications (TSs) for each facility in accordance with Technical Specifications Task Force (TSTF) Traveler-475, Revision 1, "Control Rod Notch Testing Frequency and SRM [Source Range Monitoring] Insert Control Rod Action," Specifically, TSTF-475 revises the standard TS to clarify requirements for surveillance frequency intervals in Section 1.4, "Frequency," which provides descriptions and examples for the proper use and application of frequency requirements.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Constellation Energy Generation, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA

Docket No.	50-289.
Amendment Date	May 13, 2025.
ADAMS Accession No.	ML25100A006.
Amendment No.	306.
Brief Description of Amendment	The amendment modified the license to reflect a change in the name of the facility from "Three Mile Island Nuclear Station, Unit 1" to "Christopher M. Crane Clean Energy Center".
Public Comments Received as to Proposed NSHC (Yes/No).	No.

DTE Electric Company; Fermi, Unit 2; Monroe County, MI

Docket No.	50-341.
Amendment Date	May 2, 2025.
ADAMS Accession No.	ML25086A180.
Amendment No.	231.
Brief Description of Amendment	The amendment modified Technical Specification requirements to permit use of risk-informed completion times in accordance with Technical Specification Task Force (TSTF) Travelers, TSTF-505, Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b," TSTF-439, Revision 2, "Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [Limiting Conditions for Operation]," and TSTF-591, Revision 0, "Revise the Risk-Informed Completion Time (RICT) Program".
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC

Docket Nos.	50-269, 50-270, 50-287.
Amendment Date	April 24, 2025.
ADAMS Accession No.	ML25087A128.
Amendment Nos.	431 (Unit 1), 433 (Unit 2), 432 (Unit 3).
Brief Description of Amendments	The amendments revised Technical Specification (TS) 3.7.7, "Low Pressure Service Water (LPSW) System," by allowing a one-time extended completion time for one required inoperable LPSW pump. The amendment modified the current Completion Time Note associated with TS 3.7.7, Condition A, Required Action A.1, to 360 hours to be used once during an Oconee Unit 2 refueling outage. The extended Completion Time Note has an expiration date of December 31, 2027.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 1; Oswego County, NY

Docket No.	50–220.
Amendment Date	April 29, 2025.
ADAMS Accession No.	ML25097A220.
Amendment No.	255.
Brief Description of Amendment	The amendment revised the Nine Mile Point, Unit 1 (NMP1), Technical Specification (TS) Limiting Conditions for Operation (LCO) 3.3.7, “Containment Spray System,” to allow both containment spray system (CSS) loops or one CSS loop and one train in the redundant loop to be inoperable for 8 hours. The amendment is consistent with NRC-approved Technical Specification Task Force (TSTF) Traveler-230, Revision 1, “Add New Condition B to LCO 3.6.2.3, RHR [Residual Heat Removal] Suppression Pool Cooling” (ML040570110 and ML19067A141) and the Standard Technical Specifications, NUREG 1433, “Standard Technical Specifications General Electric Plants, BWR/4,” Revision 5 (ML21272A357). NMP1 does not have a RHR system or improved TSs, therefore, the applicable LCO for NMP1 is TS 3.3.7. This is considered a technical variation to TSTF–230, Revision 1, and is discussed in the staff’s safety evaluation.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Goodhue County, MN

Docket Nos.	50–282, 50–306.
Amendment Date	May 7, 2025.
ADAMS Accession No.	ML25106A307.
Amendment Nos.	246 (Unit 1) and 234 (Unit 2).
Brief Description of Amendments	The amendments modified the Prairie Island Nuclear Generating Plant, Units 1 and 2, Technical Specifications (TS) to adopt Technical Specifications Task Force (TSTF)–591, “Revise Risk Informed Completion Time (RICT) Program” TSTF–591 revises TS section 5.5, “Risk Informed Completion Time Program” to reference Regulatory Guide 1.200, Revision 3, instead of Revision 2, and to make other changes. Also, a new report would be added to TS section 5.6, “Reporting Requirements,” to inform the NRC of newly developed methods used to calculate a RICT.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Pacific Gas and Electric Company; Diablo Canyon Nuclear Power Plant, Units 1 and 2; San Luis Obispo County, CA

Docket Nos.	50–275, 50–323.
Amendment Date	May 1, 2025.
ADAMS Accession No.	ML25080A305.
Amendment Nos.	249 (Unit 1) and 251 (Unit 2).
Brief Description of Amendments	The amendments revised Technical Specifications 3.3.5, “Loss of Power (LOP) Diesel Generator (DG) Start Instrumentation,” and 3.8.2, “AC [alternating current] Sources—Shutdown,” to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–589, “Eliminate Automatic Diesel Generator Start During Shutdown,” which is an approved change to the Standard Technical Specifications.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos.	52–025, 52–026.
Amendment Date	February 28, 2025.
ADAMS Accession No.	ML25052A020.
Amendment Nos.	199 (Unit 3) and 195 (Unit 4).
Brief Description of Amendments	The amendments revised Technical Specification (TS) 3.7.6, “Main Control Room Emergency [MCR] Habitability System (VES),” Action A, and Surveillance Requirement 3.7.6.6 related to inoperable valves and/or dampers.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket Nos.	52–025, 52–026.
Amendment Date	March 24, 2025.
ADAMS Accession No.	ML25034A221.
Amendment Nos.	200 (Unit 3) and 196 (Unit 4).

LICENSE AMENDMENT ISSUANCE(S)—Continued

Brief Description of Amendments	The amendments revised Technical Specifications (TS) 3.7.6, "Main Control Room Emergency Habitability System (VES)," Actions, Condition E, Required Actions E.1 and E.3, and Surveillance Requirement (SR) 3.7.6.5. The amendments revised the Combined License Appendix A, TS 3.7.6, Actions, Condition E, Required Actions E.1 and E.3, concerning VES compressed air storage tanks compressed air not within limits and SR 3.7.6.5 to change the compressed air quality requirement specification from "ASHRAE Standard 62," to Compressed Gas Association (CGA) CGA G-7.1-1997, "Commodity Specification for Air, Grade E." The amendments also revise the Updated Final Safety Analysis Report Subsection 6.4.5.3, "Air Quality Testing."
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket Nos.	50-390, 50-391.
Amendment Date	May 8, 2025.
ADAMS Accession No.	ML25087A090.
Amendment Nos.	176 (Unit 1), 81 (Unit 2).
Brief Description of Amendments	The amendments revised the Watts Bar Dual-Unit Updated Final Safety Analysis (UFSAR), Section 2.4, "Hydrologic Engineering," and related tables and figures to reflect the revised hydrologic analysis that utilizes the probable maximum precipitation (PMP) methodology provided in Topical Report TVA-NPG-AWA16-A, "TVA Overall Basin Probable Maximum Precipitation and Local Intense Precipitation Analysis, Calculation CDQ0000002016000041," including changes in the PMP used in the local intense precipitation and the rivers and streams flooding models; revised the geometry and reservoir overbank storage in the corrected Hydrologic Engineering Center River Analysis System (HEC-RAS) model; updated wind speed used in the wind wave analysis; updated seismically induced dam failure flooding analysis to current NRC Japan Lessons Learned Project Directorate (JLD) guidance, NRC JLD-ISR-2013-01, "Guidance for Assessment of Flooding Hazards Due to Dam Failure"; and revised the warning time plan resulting from these changes. The amendments also deleted UFSAR Appendix 2.4A, "SOCH [Simulated Open Channel Hydraulics] Model," due to the replacement of the SOCH software with the HEC-RAS software.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

IV. Notice of Issuance of Amendment to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Circumstances or Emergency Situation)

Since publication of the last monthly notice, the Commission has issued the following amendment. The Commission has determined for this amendment that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Because of exigent circumstances or emergency situation associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed NSHC determination, and opportunity for a hearing.

In circumstances where failure to act in a timely way would have resulted, for

example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level (an emergency situation), the Commission may not have had an opportunity to provide for public comment on its NSHC determination. In such case, the license amendment has been issued without opportunity for comment prior to issuance. Nonetheless, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that NSHC is involved. The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve NSHC. The basis for this determination is contained in the NRC staff safety evaluation related to each action. Accordingly, the amendment has been issued and made effective as indicated.

For those amendments that involve an emergency situation, the Commission is now providing an opportunity to

comment on the final NSHC determination for each action; comments should be submitted in accordance with Section I of this notice within 30 days of the date of this notice. Any comments received within 30 days of the date of publication this notice will be considered.

For those amendments that have not been previously noticed in the **Federal Register**, within 60 days after the date of publication of this notice, any persons (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 guidance concerning the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2 as discussed in section II.A of this document.

Unless otherwise indicated, the Commission has determined that the amendment satisfies the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has

made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to these actions, see the amendment and associated documents such as the Commission's letter and safety

evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession number(s) for the application for amendment and the

Federal Register citation for any environmental assessment. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

LICENSE AMENDMENT ISSUANCE(S)—EXIGENT/EMERGENCY CIRCUMSTANCES

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 4; Burke County, GA

Docket No.	52-026.
Amendment Date	May 17, 2025.
ADAMS Accession No.	ML25136A381.
Amendment No.	197.
Brief Description of Amendment	The amendment revised Technical Specification (TS) 3.7.6, "Main Control Room Emergency Habitability System (VES)," to add a one-time allowance to provide time to repair VES bottled air system valve leakage. The amendment is issued under emergency circumstances as described in the provisions of 10 CFR 50.91(a)(5) due to the time critical nature of the amendment.
Local Media Notice (Yes/No)	No.
Public Comments Requested as to Proposed NSHC (Yes/No)	No.

Dated: May 30, 2025.

For the Nuclear Regulatory Commission.

Jamie Pelton,

*Director, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.*

[FR Doc. 2025-10176 Filed 6-9-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 99902056; NRC-2024-0146]

Tennessee Valley Authority; Clinch River Nuclear Site; Construction Permit Application

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week for four consecutive weeks of receipt and availability of an application for a construction permit (CP) from Tennessee Valley Authority (TVA) for the Clinch River Nuclear Site in Roane County, Tennessee. The application, proposing to construct a GE-Hitachi BWRX-300 reactor, was received in two parts on April 25 and May 20, 2025. This notice is being provided to make the public and other stakeholders aware that the CP application is available for inspection.

DATES: June 10, 2025.

ADDRESSES: Please refer to Docket ID NRC-2024-0146 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available

information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0146. 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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **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: Allen Fetter, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-

0001; telephone: 301-415-8556; email: Allen.Fetter@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

In response to a letter from TVA dated August 17, 2023 (NNP-23-003, ADAMS Accession No. ML23229A569), the Commission on November 21, 2023 granted an exemption from certain requirements of paragraph 2.101(a)(5) of title 10 of the *Code of Federal Regulations* (10 CFR), which allowed TVA to submit a construction permit application in two parts with the information required under 10 CFR 50.34(a)(1) included in the second part of the application (ADAMS Accession No. ML23045A008).

Tennessee Valley Authority filed with the NRC, pursuant to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," both parts of the application for a construction permit to construct a GEH BWRX-300 reactor at the Clinch River Nuclear Site in Roane County, Tennessee, on April 28, 2025 (NNP-25-003, ADAMS Accession No. ML25118A209), and May 20, 2025, (NPP-25-004, ADAMS Package Accession No. ML25140A062), respectively. These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

The NRC staff is currently undertaking its acceptance review of both parts of the application. If both parts of the application are accepted for docketing, a subsequent **Federal Register** notice will be issued that addresses the acceptability of the construction permit application for docketing and provisions for

participation of the public in the permitting process.

Dated: June 5, 2025.

For the Nuclear Regulatory Commission.

Michelle Hayes,

Chief, New Reactor Licensing and Infrastructure Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2025-10465 Filed 6-9-25; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-3103; NRC-2024-0225]

Louisiana Energy Services, LLC, dba Urenco USA; National Enrichment Facility; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment of Special Nuclear Materials (SNM) License No. SNM-2010, issued to Louisiana Energy Services, LLC, dba Urenco USA (UUSA), for the operation of the Urenco USA uranium enrichment facility in Eunice, New Mexico. The amendment would remove license condition (LC) 14 from the license. Removal of the license condition (the NRC's proposed action) would allow UUSA to ship depleted uranium hexafluoride (DUF₆) to a certain type of deconversion facility. For this proposed action, the NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI).

DATES: The EA and FONSI referenced in this document are available on June 10, 2025.

ADDRESSES: Please refer to Docket ID NRC-2024-0225 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0225. 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. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Christine Pineda, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6789; email: Christine.Pineda@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering an amendment of UUSA's License No. SNM-2010 for the operation of the UUSA uranium enrichment facility in Eunice, New Mexico. If approved, the amendment would allow UUSA to ship DUF₆ to a type of deconversion facility that produces anhydrous hydrogen fluoride (AHF) as a byproduct. As required in § 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria for and identification of licensing and regulatory actions requiring environmental assessments," the NRC developed an EA for the proposed license amendment. Based on the results of the EA summarized in this notice, the NRC has determined not to prepare an environmental impact statement for the amendment and is issuing a FONSI.

II. Summary of Environmental Assessment

Description of the Proposed Action

The proposed NRC action is to remove LC 14 from the license, thereby authorizing UUSA to ship DUF₆ to a deconversion facility that uses a process involving the production of AHF, though at this time in the U.S. no such facility exists. If approved, the license amendment would not affect UUSA's enrichment operations and would not

result in the construction of new facilities or modifications to existing buildings.

The proposed action is in accordance with the licensee's application dated September 1, 2023, as supplemented by letter dated February 6, 2025.

Need for the Proposed Action

The purpose of amending licensing SNM-2010 to remove LC 14 is to allow UUSA another option for the disposition of DUF₆. If the NRC removes LC 14, and if a deconversion facility that produces AHF is constructed, UUSA could ship DUF₆ to this type of facility for processing.

Environmental Impacts of the Proposed Action

The NRC staff assessed the potential environmental impacts from the proposed license amendment on land use, historic and cultural resources, visual and scenic resources, air quality, geology and soils, water resources, ecological resources, socioeconomic, noise, transportation, public and occupational health, and waste management. The NRC staff determined that the proposed action would not affect most resource areas and would not have significant impacts on public and occupational health or transportation. The only difference in effects would be a shipping difference, because DUF₆ could be shipped to an AHF-producing deconversion facility instead of to a facility that produces aqueous hydrogen fluoride (such as the U.S. Department of Energy [DOE] facilities in Portsmouth, Ohio, and Paducah, Kentucky). As such, approval of the proposed license amendment would not affect operations at the UUSA facility, and occupational dose estimates associated with the facility would continue to be as low as reasonably achievable and fall within the limits identified in 10 CFR 20.1201. The NRC's EA provides a discussion of the potential effects associated with AHF production at a hypothetical deconversion facility. The EA describes how AHF might be produced and discusses the potential health effects of an AHF exposure.

The NRC staff's safety evaluation for this proposed action addresses the potential impacts of transporting DUF₆ to a hypothetical deconversion facility that produces AHF and of shipping AHF from a deconversion facility. UUSA would not be involved in the shipments of AHF product from the deconversion facility. The NRC staff concluded that the potential impacts of DUF₆ shipments to the site of the proposed International Isotopes deconversion

facility in Lea County would not be significant. Likewise, the safety review concluded that the potential impacts of transporting AHF product from a deconversion facility during normal operations would not be significant.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed license amendment, the NRC staff considered taking no action, which would leave LC 14 in effect in the license. If the condition remains in effect, UUSA would not be able to ship DUF₆ to a deconversion facility that produces AHF. As long as no such deconversion facility exists in the U.S., the impacts of not removing the license condition would be the same as the near-term reasonably foreseeable impacts of removing the license condition. That is, UUSA would continue to store DUF₆ containers onsite and could choose to ship some DUF₆ to a deconversion facility that produces aqueous hydrogen fluoride. If a deconversion facility producing AHF becomes operational in the future, UUSA would not be authorized under the no action alternative to ship DUF₆ to that facility.

Agencies and Persons Consulted

In accordance with NRC policy, on April 4, 2025, the NRC staff provided a draft of the EA to the State of New

Mexico for review. The NRC received no comments from the State.

Under the National Historic Preservation Act (NHPA), the NRC's approval of the license amendment would constitute a Federal undertaking. In reviewing UUSA's application, the NRC staff concluded the proposed action to remove LC 14 is not a type of activity that has the potential to cause effects on any historic properties that may be present. Therefore, following 36 CFR 800.3(a)(1), the NRC has no further obligations under section 106 of the NHPA.

Similarly, under the Endangered Species Act the staff determined that even if endangered or candidate species are present in the vicinity of the UUSA facility, the proposed removal of LC 14 would not affect such species or their habitats. The proposed action would not result in construction or land disturbance and operations would continue inside existing buildings. Therefore, the NRC has determined that no further consultation is required under section 7 of the Endangered Species Act.

III. Finding of No Significant Impact

The NRC staff reviewed the proposed action in accordance with the requirements of 10 CFR part 51. The NRC staff concludes that approval of UUSA's request to remove LC 14 would not significantly affect the quality of the human environment. As described in

section 4 of the EA, approval of the proposed action would only result in UUSA being allowed another option for shipping DUF₆ from the enrichment facility. The license amendment would not result in changes to operations at the facility and would not affect land use, ecological resources, historic and cultural resources, air quality, or water quality; would not result in construction or soil disturbance, changes to noise, chemical or waste management, or visual aspects of the facility; and would not result in staffing changes that could affect socioeconomic resources. The NRC does not expect significant radiological or non-radiological impacts on public and occupational health or from transportation effects associated with shipping DUF₆ to a different type of facility.

Therefore, the NRC staff has determined that, pursuant to 10 CFR 51.31, preparation of an environmental impact statement is not required for this proposed action, and pursuant to 10 CFR 51.32, a finding of no significant impact is appropriate. In accordance with 10 CFR 51.32(a)(4), this FONSI incorporates the EA summarized in this notice by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS accession No.
Environmental Assessment for Proposed Removal of Condition 14 from Urenco USA's License for the National Enrichment Facility in Lea County, New Mexico.	ML25125A111
Safety Evaluation Report for Proposed Amendment 109—UUSA License Amendment Request LAR 23–07, Revise SNM–2010 to Delete License Condition 14.	ML25119A201
UUSA License Amendment Request LAR 23–07, Revise SNM–2010 to Delete License Condition 14, dated September 1, 2023.	ML23244A191
UUSA Revised Response to Request for Supplemental Information Regarding LAR 23–07, dated February 6, 2025	ML25038A014
NRC Email to New Mexico Environment Department re: Request for State Review of Draft EA, dated April 4, 2025	ML25125A247

Dated: June 5, 2025.

For the Nuclear Regulatory Commission.

Robert Sun,

*Chief, Environmental Project Management,
Branch 2, Division of Rulemaking,
Environmental, and Financial Support, Office
of Nuclear Material Safety, and Safeguards.*

[FR Doc. 2025–10464 Filed 6–9–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0087]

NUREG: Report to Congress on Abnormal Occurrences: Fiscal Year 2024; Dissemination of Information

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final report; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG–0090, Volume 47, “Report to Congress on Abnormal Occurrences: Fiscal Year 2024.” The report describes those events that the NRC or an Agreement State

identified as abnormal occurrences (AOs) during fiscal year (FY) 2024, based on the criteria defined by the Commission. The report describes seven events at Agreement State-licensed facilities and one event at an NRC-licensed facility.

DATES: NUREG–0090, Volume 47, is available on June 10, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0087 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–0087. 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 FY 2024 AO report, NUREG–0090, Volume 47, "Report to Congress on Abnormal Occurrences: Fiscal Year 2024," is available in ADAMS under Accession No. ML25150A343.

FOR FURTHER INFORMATION CONTACT: Rigel Flora, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3890; email: Rigel.Flora@nrc.gov.

SUPPLEMENTARY INFORMATION: Section 208 of the Energy Reorganization Act of 1974, as amended (Pub. L. 93–438), defines an "abnormal occurrence" as an unscheduled incident or event that the NRC determines to be significant from the standpoint of public health or safety. The FY 2024 AO report, NUREG–0090, Volume 47, "Report to Congress on Abnormal Occurrences: Fiscal Year 2024," describes those events that the NRC identified as AOs during FY 2024.

This report describes seven events involving Agreement State licensees and one event involving an NRC licensee. Seven of the AOs occurred at medical facilities, and one event involved security processes at an industrial licensee.

The NRC identified no events at NRC-licensed facilities during FY 2024 that met the guidelines for inclusion in Appendix B, "Other Events of Interest."

Two events met the guidelines for inclusion in Appendix C, "Updates of Previously Reported Abnormal Occurrences."

Agreement States are the 39 U.S. States that currently have entered into formal agreements with the NRC pursuant to Section 274 of the Atomic Energy Act of 1954, as amended (AEA), to regulate certain quantities of AEA-

licensed material at facilities located within their borders.

The Federal Reports Elimination and Sunset Act of 1995 (Pub. L. 104–68) requires that AOs be reported to Congress annually. The full report, NUREG–0090, Volume 47, "Report to Congress on Abnormal Occurrences: Fiscal Year 2024," is also available electronically at the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff>.

Dated: June 5, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

[FR Doc. 2025–10506 Filed 6–9–25; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–614; NRC–2025–0079]

Long Mott Energy, LLC.; Long Mott Generating Station; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Acceptance for docketing, opportunity to request a hearing and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has accepted for review and docketed an application from Long Mott Energy, LLC (LME) for a construction permit for a four-unit reactor facility to be built in Calhoun County, Texas. In addition, the NRC is providing notice that an uncontested hearing will be held on the LME construction permit application at a time and place to be set in the future by the presiding officer for the uncontested hearing. This notice also provides the public an opportunity to request a hearing and petition for leave to intervene (*i.e.*, contested hearing) with respect to that application. The NRC staff is currently conducting a detailed technical review of the construction permit application. If the NRC issues a construction permit, the applicant, LME, would be authorized to construct its proposed reactor facility in accordance with the provisions of the construction permit. Because the application contains Sensitive Unclassified Non-Safeguards Information (SUNSI), this notice includes an order that imposes procedures to obtain access to SUNSI for contention preparation.

DATES: The application was docketed on March 31, 2025. A request for a hearing

or petition for leave to intervene must be filed by August 11, 2025. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by June 20, 2025.

ADDRESSES: Please refer to Docket ID NRC–2025–0079 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2025–0079. 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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• **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, Monday through Friday, except Federal holidays.

• **NRC's Public Website:** The construction permit application is available under the NRC's Long Mott Generating Station, Construction Permit Application public website at <https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/long-mott.html>.

FOR FURTHER INFORMATION CONTACT: Adrian Muñoz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4093; email: Adrian.Muniz@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

By letter dated March 31, 2025 (ADAMS Package Accession No. ML25090A057), LME, a wholly owned subsidiary of the Dow Chemical Company, submitted, pursuant to 10 CFR part 50, “Domestic Licensing of Production and Utilization Facilities,” a construction permit application that proposes to construct a four-unit non-light water reactor facility (a “non-light water reactor” as defined in 10 CFR 50.2). A notice of receipt and availability of LME’s application was published in the **Federal Register** on May 2, 2025 (90 FR 18874). The information submitted by the applicant includes, among other things, the transmittal letter (ADAMS Accession No. ML25090A058), the preliminary safety analysis report (ADAMS Accession No. ML25090A061), the environmental report (ADAMS Accession No. ML25090A063), and certain financial qualification information (ADAMS Accession No. ML25090A059).

The NRC is considering issuance of a construction permit to LME that would authorize the construction of the proposed reactor facility, identified as Long Mott Generating Station, to be located in Calhoun County, Texas. The facility would be a four-unit high-temperature gas-cooled reactor (HTGR).

The LME construction permit application consists of the following information:

- The general information required by 10 CFR 50.33;
- The Preliminary Safety Analysis Report required by 10 CFR 50.34(a);
- The Environmental Report required by 10 CFR 51.50; and
- Exemption requests to support issuance of a construction permit.

The NRC staff determined that the LME application is complete and acceptable for docketing in accordance with 10 CFR 2.101(a) and 10 CFR part 50 and assigned the Docket No. 50–614. The NRC staff provided LME notice of the acceptance and docketing determination by letter dated May 12, 2025 (ADAMS Accession No. ML25115A247).

The NRC staff will perform a detailed technical review of the construction permit application and document its safety findings in a safety evaluation report. Also, in accordance with 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC staff will complete an environmental review for the proposed action.

Docketing of the application does not preclude the NRC staff from requesting

additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The construction permit application will be referred to the Advisory Committee on Reactor Safeguards for review and report consistent with 10 CFR 50.58, “Hearings and report of the Advisory Committee on Reactor Safeguards.” If the Commission finds that the construction permit application meets the applicable standards of the Atomic Energy Act of 1954, as amended and the Commission’s regulations, and that any required notifications to other agencies and bodies have been made, the Commission will issue a construction permit, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

II. Hearing

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR part 2, “Agency Rules of Practice and Procedure,” and 10 CFR part 50, notice is hereby given that an uncontested (*i.e.*, mandatory) hearing will be held, at a time and place to be set in the future by the presiding officer for the uncontested hearing.

III. 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 60-day 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 government 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 government 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>.

IV. Electronic Submittals (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local government 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 timestamps 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, excluding government 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)–(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 described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets 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.

Order Imposing Procedures for Access To Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses

for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and RidsOgcMailCenter.Resource@nrc.gov,¹ respectively. The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order,² setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

² Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with

jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal

process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.³

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: June 5, 2025.

For the Nuclear Regulatory Commission.

Carrie Safford,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of Federal Register notice of hearing or opportunity for hearing, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) which contains information: (i) supporting the standing of a potential party identified by name and address; and (ii) describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention which contains: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and demonstrates the need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (<i>i.e.</i> , preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff's reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
A	If access is granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to SUNSI (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the Protective Order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

³Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as

applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

[FR Doc. 2025–10505 Filed 6–9–25; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Generic Clearance for Collection of Feedback on Agency Service Delivery

AGENCY: Office of Personnel
Management.

ACTION: 30-Day notice of proposed
collection and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a proposed collection of information by the Agency. This process is conducted in accordance with agency regulations and is part of OPM's effort to streamline the process to collect feedback from the public to support ongoing customer experience improvement efforts. OPM will seek feedback from users or possible users of OPM's various customer services.

DATES: Comments are encouraged and will be accepted until July 10, 2025.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Office of Personnel Management" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection request, with applicable supporting documentation, may be obtained by contacting the Office of the Chief Financial Officer, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, Attention: David Long, via phone at 202–606–1918 or via electronic mail to evidence@opm.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), 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 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. A 60-day notice for this collection was published in the **Federal Register** on December 17, 2024. 89 FR 102171. One comment was received for this information collection; but, as it dealt with foreign missions, it is out of scope for this collection.

The proposed information collection will seek customer and stakeholder feedback in an efficient manner to enable continued, timely customer experience improvements. This feedback will provide insights into customer and/or stakeholder experiences, expectations, and perceptions of interactions with OPM services. The feedback will also serve to highlight areas that may require immediate changes. These collections will streamline OPM's customer experience improvement efforts by allowing for ongoing, actionable communication between OPM and its customers. If this information is not collected, timely, vital feedback will continue to be very difficult to obtain and will impact the success of OPM's ongoing customer service improvements.

These data collection efforts will solicit feedback on a variety of focus areas for OPM's customer services, including topics such as, accuracy, ease of access/use of a particular service mechanism, understanding and success of utilizing a tool or service provided by OPM, effectiveness, efficiency of services accessed, and whether or not a service met expectations. Responses will be analyzed to inform quality improvements or to maintain high-quality, effective services.

Collections may be either qualitative or quantitative in nature. Collections will provide information on perceptions and opinions but will not collect information that will yield quantitative results that can be generalized to the population of study. Additionally, data may be collected via a variety of means, including but not limited to, questionnaires, surveys, interviews, and focus groups. OPM will collect this information by electronic means when possible, as well as by mail and telephone. OPM will limit its inquiries to data collections that solicit strictly voluntary opinions or responses. Steps will be taken to ensure anonymity of respondents in each activity covered by this request. As a general matter, information collections under this clearance will not result in any new

system of records containing privacy information.

Types of collections included in this generic clearance include, but are not limited to,

- Program/event/training surveys;
- Focus groups or interviews with customers, potential customers, or OPM partners;
- Call center surveys;
- Post-transaction satisfaction surveys;
- Collection of test and pilot data; and
- Web-based opt-in and opt-out pop-up surveys.

OPM will submit collections for approval under this generic clearance only if the collections meet the following conditions:

- The collections are voluntary;
- The collections are low-burden (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- The collections are noncontroversial;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- The collections will not be designed or expected to yield results that are generalizable to the population of study.

Analysis

Agency: Office of Personnel Management.

Title: Generic Clearance for Collection of Feedback on Agency Service Delivery.

OMB Number: 3206–NEW.

Frequency: Annual, once per respondent.

Affected Public: Individuals.

Number of Respondents Annually: 283,250.

Estimated Time per Respondent: 2.756 minutes.

Total Annual Burden Hours: 13,010.

Office of Personnel Management

Alexy Stanley,

Federal Register Liaison.

[FR Doc. 2025–10402 Filed 6–9–25; 8:45 am]

BILLING CODE 6325–43–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103187; File No. SR–NASDAQ–2025–042]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade Shares of 21Shares SUI ETF Under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares)

June 4, 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 May 23, 2025, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of 21Shares SUI ETF (the “Trust”) under Nasdaq Rule 5711(d) (“Commodity-Based Trust Shares”). The shares of the Trust are referred to herein as the “Shares.”

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares under Nasdaq Rule 5711(d), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.³ 21Shares US LLC (the “Sponsor”) is the sponsor of the Trust. Any statements or representations included in this proposal regarding: (a) the description of the reference assets or trust holdings; (b) limitations on the reference assets or trust holdings; (c) dissemination and availability of the reference asset or intraday indicative value; or (d) the applicability of Nasdaq listing rules specified in this proposal shall constitute continued listing standards for the Shares listed on the Exchange.

Overview of the Trust and the Shares

According to the Registration Statement, the Trust is a Delaware statutory trust and will operate pursuant to a trust agreement (the “Trust Agreement”), as amended and/or restated from time to time.⁴ CSC Delaware Trust Company, a Delaware trust company, is the Delaware trustee of the Trust (the “Trustee”). The Trust is managed and controlled by 21Shares US LLC (the “Sponsor”). A third party to be appointed by the Sponsor and/or the Trustee will be the administrator of the Trust (the “Administrator”).

The Trust is a passive investment vehicle that does not seek to generate returns beyond tracking the price of SUI tokens (“SUI”), the native token of the Sui Network (as defined below). This means the Sponsor does not speculatively sell SUI at times when its price is high or speculatively acquire SUI at low prices in the expectation of future price increases. It also means the Trust will not utilize leverage, derivatives or any similar arrangements in seeking to meet its investment objective. The Trust’s investment objective is to seek to track the performance of SUI, as measured by the

performance of the CME CF Sui—Dollar Reference Rate—New York Variant (the “Pricing Benchmark”), adjusted for the Trust’s expenses and other liabilities. The Pricing Benchmark is calculated by CF Benchmarks Ltd. (the “Benchmark Provider”) based on an aggregation of executed trade flow of major SUI trading platforms (“Constituent Exchanges”). The Pricing Benchmark is designed to reflect the performance of SUI in U.S. dollars. In seeking to achieve its investment objective, the Trust will hold SUI and will value its Shares daily based on the Pricing Benchmark. Each of BitGo New York Trust Company, LLC and Coinbase Custody Trust Company, LLC (each a “SUI Custodian”) is anticipated to be a SUI custodian for the Trust and will hold all of the Trust’s SUI on the Trust’s behalf.

When the Trust sells or redeems its Shares, SUI will be transferred into or out of the Trust, as applicable, in exchange for blocks of 10,000 Shares (a “Basket”) that are based on the quantity of SUI attributable to each Share of the Trust (net of accrued but unpaid Sponsor fees and any accrued but unpaid extraordinary expenses or liabilities).

Financial firms that are authorized to purchase Shares from or redeem Shares to the Trust (known as “Authorized Participants”) purchase Shares by depositing cash in the Trust’s account with the Cash Custodian (as defined below). This will cause the Sponsor, on behalf of the Trust, to automatically instruct a designated third party, who is not an Authorized Participant but who may be an affiliate of an Authorized Participant and with whom the Sponsor has entered into an agreement on behalf of the Trust (a “SUI Counterparty”), to (i) purchase the amount of SUI equivalent in value to the cash deposit amount associated with the order and (ii) deposit the resulting SUI amount in the Trust’s account with the SUI Custodian, resulting in the Transfer Agent crediting the applicable amount of Shares to the Authorized Participant.

When such an Authorized Participant redeems its Shares, the Sponsor, on behalf of the Trust will direct the SUI Custodian to transfer SUI to a SUI Counterparty, who will sell the SUI to be executed at the Pricing Benchmark price used by the Trust to calculate its net asset value (“NAV”), taking into account any spread, commissions, or other trading costs and deposit the cash proceeds of such sale in the Trust’s account with the Cash Custodian for settlement with the Authorized Participant. Any slippage incurred (including, but not limited to, any trading fees, spreads, or commissions),

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The Commission approved Nasdaq Rule 5711 in Securities Exchange Act Release No. 66648 (March 23, 2012), 77 FR 19428 (March 30, 2012) (SR–NASDAQ–2012–013).

⁴ See Registration Statement on Form S–1, dated April 30, 2025 filed with the Commission on behalf of the Trust. The descriptions of the Trust, the Shares, the Pricing Benchmark (as defined below), and Trust’s holdings contained herein are based, in part, on information in the Registration Statement. The Registration Statement is not yet effective and the Shares will not trade on the Exchange until such time that the Registration Statement is effective.

on a cash equivalent basis, will be the responsibility of the Authorized Participant and not of the Trust or Sponsor.

Authorized Participants will deliver only cash to create Shares and will receive only cash when redeeming Shares. Further, Authorized Participants will not directly or indirectly purchase, hold, deliver, or receive SUI as part of the creation or redemption process or otherwise direct the Trust or a SUI Counterparty with respect to purchasing, holding, delivering, or receiving SUI as part of the creation or redemption process.

The SUI Counterparty is a designated third party with whom the Sponsor has entered into an agreement on behalf of the Trust that will deliver, receive or convert to U.S. dollars the SUI related to the Authorized Participant's creation or redemption order. The Sponsor performs extensive due diligence as part of its SUI Counterparty selection and onboarding process. As part of this process, the Sponsor assesses SUI Counterparty candidates against various criteria, including those relating to candidates' (1) financials, (2) reputation, (3) settlement history with the Sponsor, and (4) their regulatory oversight. The Trust will create Shares by receiving SUI from a SUI Counterparty that is not the Authorized Participant, and the Trust—not the Authorized Participant—is responsible for selecting the SUI Counterparty to deliver the SUI. Further, the SUI Counterparty will not be acting as an agent of the Authorized Participant with respect to the delivery of the SUI to the Trust or acting at the direction of the Authorized Participant with respect to the delivery of the SUI to the Trust. The SUI Counterparty is not contractually obligated to participate in cash orders for creations or redemptions. The SUI Counterparty reserves the right to refuse or to cancel any pending creation or redemption order at any time before the Sponsor places a purchase order.

According to the Registration Statement, the Trust is not an investment company registered under the Investment Company Act of 1940, as amended (the "1940 Act"), and is not subject to regulation under the 1940 Act. The Trust is not a commodity pool for purposes of the Commodity Exchange Act of 1936, as amended (the "CEA"), and the Sponsor is not subject to regulation by the Commodity Futures Trading Commission (the "CFTC") as a commodity pool operator or a commodity trading advisor.

Neither the Trust, nor the Sponsor, nor the SUI Custodian, nor any other person associated with the Trust will,

directly or indirectly, engage in action where any portion of the Trust's SUI is used to earn additional SUI or generate rewards or other income. The Trust will not acquire and will disclaim any incidental right ("IR") or IR asset received, for example as a result of forks or airdrops, and such assets will not be taken into account for purposes of determining the Trust's NAV.

Investment Objective

According to the Registration Statement, the Trust's investment objective is to seek to track the performance of SUI, as measured by the Pricing Benchmark, adjusted for the Trust's expenses and other liabilities. In seeking to achieve its investment objective, the Trust will hold SUI and will value its Shares daily as of 4:00 p.m. ET based on the Pricing Benchmark.

The Trust does not provide investors with direct exposure to SUI, and an investment in the Trust is not a direct investment in SUI. Rather, the Trust provides investors with the opportunity to indirectly access the market for SUI through a traditional brokerage account without the potential barriers to entry or risks involved with holding or transferring SUI directly or acquiring it from a SUI spot market.

SUI and the Sui Network

According to the Registration Statement, SUI is a digital asset that is created and transmitted through the operations of the "Sui Network," an online, distributed computing platform that operates on a peer-to-peer basis. The Sui Network is a decentralized blockchain platform designed to support a wide range of applications, particularly in the realm of decentralized finance ("DeFi"), non-fungible tokens ("NFTs"), and other blockchain-based services. The network aims to address scalability and efficiency issues that have plagued earlier blockchain networks like Bitcoin and Ethereum. By leveraging advanced consensus mechanisms and innovative data structures, the Sui Network seeks to provide a more scalable, secure, and user-friendly environment for developers and users alike. The Sui Network employs a unique consensus algorithm that allows it to process a large number of transactions per second ("TPS"), making it suitable for applications that require high throughput, such as gaming and high-frequency trading.

The Sui Network's architecture combines continuous monitoring of external blockchains, strategic validator key registrations, and a quadratic stake-

based consensus mechanism to facilitate secure and decentralized cross-chain interactions. The Sui Network uses advanced cryptographic techniques to ensure the security and integrity of transactions. The distributed nature of the network makes it resistant to attacks and censorship. The Sui Network is also designed to be highly interoperable with other blockchain networks, allowing assets and data to be easily transferred between SUI and other blockchains, facilitating a more connected and versatile ecosystem.

No single entity owns or operates the Sui Network, the infrastructure of which is collectively maintained by a broad user base. The Sui Network allows people to exchange tokens of value, called SUI, which are recorded on a public transaction ledger known as a blockchain. SUI can be used to pay for transaction fees and network operations, including computational power on the Sui Network, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on digital asset trading platforms or in individual end-user-to-end-user transactions under a barter system. Furthermore, the Sui Network was designed to allow users to write and implement smart contracts—that is, general-purpose code that executes on the network and can instruct the transmission of information and value based on a sophisticated set of logical conditions. Using smart contracts, users can create markets, store registries of debts or promises, represent the ownership of property, move funds in accordance with conditional instructions and create digital assets other than SUI on the Sui Network. Smart contract operations are executed on the Sui blockchain in exchange for payment of SUI. Like the Ethereum network, the Sui Network is one of a number of projects intended to expand blockchain use beyond just a peer-to-peer money system.

The Sui Network primarily uses a delegated proof-of-stake consensus mechanism to incentivize SUI holders to validate transactions. Unlike proof-of-work, in which miners expend computational resources to compete to validate transactions and are rewarded coins in proportion to the amount of computational resources expended, in proof-of-stake, validators risk or "stake" coins to compete to be randomly selected to validate transactions and are rewarded coins in proportion to the amount of coins staked. Any malicious activity, such as disagreeing with the eventual consensus or otherwise violating protocol rules, results in the forfeiture or "slashing" of a portion of the staked coins. Proof-of-stake is

viewed as more energy efficient and scalable than proof-of-work and is sometimes referred to as “virtual mining”.

Unlike many other smart contract platforms that batch transaction into blocks, Sui validators individually validate transactions. Sui uses “Narwhal” and “Bullshark” as its memory pool and consensus engines, respectively, which supplement proof-of-stake by allowing transactions performed on the Sui Network to be verified and executed in parallel, rather than sequentially like in prominent blockchains like Bitcoin and Ethereum. Under Narwhal, instead of a proposing validator broadcasting all transactions in a block to the other validators, the proposing validators send references to transactions that other validators have already received in their local memory pools. These memory pools serve as logs of unprocessed transactions awaiting verification and execution on a blockchain. The transaction data can thus bypass the full consensus process, removing the large data transmission step which often impedes proof-of-stake consensus and introduces latency. Further unlike traditional blockchains, which add transactions in a single, linear sequence, Bullshark uses a structure whereby each transaction points to multiple previous transactions, allowing many transactions to be processed at the same time. The purpose of Narwhal and Bullshark is to increase scalability of a blockchain allowing for parallel processing of transactions and increasing transaction speed.

The SUI token serves four purposes on the Sui Network. First, SUI can be staked within an “epoch” (which is a roughly 24-hour time period) in order to participate in the proof-of-stake mechanism. Second, SUI is the asset denomination needed for paying the “gas fees” to execute transactions or other operations on the Sui Network. Third, SUI can be used as a versatile and liquid asset for various applications including the standard features of money—a unit of account, a medium of exchange, or a store of value—and more complex functionality enabled by smart contracts, interoperability, and composability across the Sui ecosystem. Fourth, and finally, SUI plays an important role in governance by acting as a right to participate in on-chain voting on issues such as protocol upgrades. The total supply of SUI on the Sui Network’s “mainnet” is capped at 10,000,000,000 (ten billion), the supply of which is dependent upon designed unlocking schedules and other circulation variables.

SUI is “stored” on a blockchain and is linked to a unique digital address, or wallet, that is associated with a public key and a private key. The public key is used to generate the address that is available to other users of the Sui Network. The address serves as the location to which SUI can be transferred and from which SUI can be sent. The private key authorizes the transfer or “spending” of SUI from its associated public address. Ownership of SUI is established by recording on Sui Network’s blockchain the unique address and the amount of SUI held. The wallet thus holds the cryptographic keys associated with SUI, rather than the SUI itself. SUI cannot be transferred by a holder unless that holder provides the private key.

Pricing Benchmark

According to the Registration Statement, the net assets of the Trust and its Shares are valued on a daily basis with reference to the Pricing Benchmark, a standardized reference rate published by the Benchmark Provider, which is designed to reflect the performance of SUI in U.S. dollars. The Pricing Benchmark is calculated daily and aggregates the notional value of SUI trading activity across major SUI spot exchanges. The Benchmark Provider is the administrator of the Pricing Benchmark. The Trust also uses the Pricing Benchmark to calculate its NAV, which is the aggregate U.S. dollar value of SUI in the Trust, based on the Pricing Benchmark, less the Trust’s liabilities and expenses. “NAV per Share” is calculated by dividing NAV by the number of Shares currently outstanding.

The Pricing Benchmark was created to facilitate financial products based on SUI and provides a U.S. dollar-denominated reference rate for the spot price of SUI. The Pricing Benchmark leverages real-time prices from multiple Constituent Exchanges to provide a representative spot price.⁵ Each

⁵ As set out in the Registration Statement, a trading venue is eligible as a Constituent Exchange if it offers a market that facilitates the spot trading of the relevant base digital asset against the corresponding quote asset, (the “Relevant Pair”) and makes trade data and order data available through an Automatic Programming Interface (“API”) with sufficient reliability, detail and timeliness. Furthermore, in the opinion of the Benchmark Provider’s oversight committee, to be a Constituent Exchange, a venue must fulfill the specified criteria, including: (1) the venue’s Relevant Pair spot trading volume for an index must meet the minimum thresholds for it to be admitted as a constituent exchange; (2) the average daily volume the venue would have contributed during the observation window for the Reference Rate of the Relevant Pair exceeds 3% for two consecutive calendar quarters; (3) the venue has policies to

constituent exchange is weighted proportionally to its trailing 24-hour liquidity with adjustments for price variance and inactivity.

The Sponsor believes that the use of the Pricing Benchmark is reflective of a reasonable valuation of the average spot price of SUI and that resistance to manipulation is a priority aim of its design methodology. The methodology: (i) takes an observation period and divides it into equal partitions of time; (ii) then calculates the volume-weighted median of all transactions within each partition; and (iii) the value is determined from the arithmetic mean of the volume-weighted medians, equally weighted. By employing the foregoing steps, the Pricing Benchmark thereby seeks to ensure that transactions in SUI conducted at outlying prices do not have an undue effect on the value of a specific partition, large trades or clusters of trades transacted over a short period of time will not have an undue influence on the index or benchmark level, as applicable, and the effect of large trades at prices that deviate from the prevailing price are mitigated from having an undue influence on the benchmark level.

In addition, the Sponsor notes that an oversight function is implemented by the Benchmark Provider in seeking to ensure that the Pricing Benchmark is administered through codified policies for Pricing Benchmark integrity, which include a conflicts of interest policy, a control framework, an accountability framework, and an input data policy. It is also subject to the UK Benchmarks Regulation (“BMR”), compliance with which regulations has been subject to a Limited Assurance Audit under the ISAE 3000 standards of September 12, 2022.

The Sponsor has selected the Pricing Benchmark for its quality and rigor as well as its broad, well-balanced

ensure fair and transparent market conditions at all times and has processes in place to identify and impede illegal, unfair or manipulative trading practices; (4) the venue complies with applicable law and regulation, including, but not limited to, capital markets regulations, money transmission regulations, client money custody regulations, KYC and AML regulations; (5) the venue does not impose undue barriers to entry or restrictions on market participants, and utilizing the venue does not expose market participants to undue credit risk, operational risk, legal risk or other risks; and (6) the venue cooperates with inquiries and investigations of regulators and the Administrator upon request and must execute data sharing agreements with CME Group. Once admitted, a Constituent Exchange must demonstrate that it continues to fulfill criteria 2 to 5 inclusive. Should the average daily contribution of a Constituent Exchange fall below 3% for any Reference Rate, then the continued inclusion of the venue as a constituent exchange to the Relevant Pair shall be assessed by the oversight committee.

universe, which the Sponsor believes best reflects the market price of SUI.

As of the date of this filing, the Constituent Exchanges included in the Pricing Benchmark that is utilized by the Trust are Kraken and Coinbase. As of May 16, 2025, Coinbase makes up 94.47% of the volume of the Pricing Benchmark, with Kraken holding the remaining 5.3%.

Net Asset Value

The Administrator calculates the Trust's NAV and NAV per Share once each Exchange trading day. The Trust's NAV per Share is calculated by:

- taking the current market value of its total assets based on the SUI price determined by the Pricing Benchmark;
- subtracting any liabilities; and
- dividing that total by the total number of outstanding Shares.

The NAV for a normal trading day will be released after 4:00 p.m. Eastern Time ("ET"). Trading during the regular market session on the Exchange closes at 4:00 p.m. ET. However, NAVs are not officially struck until later in the day (often by 5:30 p.m. ET and almost always by 8:00 p.m. EST). The pause between 4:00 p.m. ET and 5:30 p.m. ET (or later) provides an opportunity for the Administrator to algorithmically detect, flag, investigate, and correct unusual pricing should it occur. Any such correction could adversely affect the value of the Shares. If the Pricing Benchmark is not available, or if the Sponsor determines in good faith that the Pricing Benchmark does not reflect an accurate SUI price, then the Administrator will determine NAV by reference to the Trust's principal market.⁶

Availability of Information and Intraday Indicative Value

In addition to the price transparency of the Index, the Trust will provide information regarding the Trust's SUI holdings as well as additional data regarding the Trust. The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the prior business day's NAV per Share; (b) the prior business day's Nasdaq official closing price; (c) calculation of the premium or discount of such Exchange official closing price against such NAV per Share; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Exchange's official closing price against the NAV, within appropriate ranges for each of the four previous

calendar quarters (or for the life of the Trust, if shorter); (e) the prospectus; and (f) other applicable quantitative information. The Trust will also disseminate the Trust's holdings on a daily basis on the Trust's website. Quotation and last sale information regarding the Shares will be disseminated through the facilities of the relevant securities information processor.

The intraday indicative value ("IIV") will be calculated by using the prior day's closing NAV per Share as a base and updating that value during the Exchange's regular market session of 9:30 a.m. to 4:00 p.m. ET (the "Regular Market Session") to reflect changes in the value of the Trust's SUI holdings during the trading day. The IIV disseminated during the Regular Market Session should not be viewed as an actual real-time update of the NAV, because NAV per Share is calculated only once at the end of each Exchange trading day based upon the relevant end-of-day values of the Trust's investments. The IIV will be widely disseminated on a per-Share basis every 15 seconds during the Regular Market Session through the facilities of the relevant securities information processor by market data vendors. In addition, the IIV will be available through online information services, such as Bloomberg and Reuters.

Quotation and last sale information for SUI is disseminated through a variety of major market data vendors. Information related to trading, including price and volume information, in SUI is available from major market data vendors and from the trading platforms on which SUI are traded. The normal trading hours for SUI trading platforms are 24 hours per day, every day of the year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's Nasdaq official closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Creation and Redemption of Shares

According to the Registration Statement, the Trust creates and redeems Shares from time to time, but only in one or more Baskets. Baskets are only made in exchange for delivery to the Trust or the distribution by the Trust of the amount of cash equivalent to the amount of SUI represented by the Baskets being created or redeemed, the amount of which is based on the

quantity of SUI attributable to each Share of the Trust (net of accrued but unpaid Sponsor fees and any accrued but unpaid extraordinary expenses or liabilities) being created or redeemed determined as of 4:00 p.m. ET on the day the order to create or redeem Baskets is properly received.

Authorized Participants are the only persons that may place orders to create and redeem Baskets. Authorized Participants must be (1) registered broker-dealers or other securities market participants, such as banks and other financial institutions, which are not required to register as broker-dealers to engage in securities transactions described below, and (2) DTC Participants.

Authorized Participants will deliver only cash to create shares and will receive only cash when redeeming Shares. Further, Authorized Participants will not directly or indirectly purchase, hold, deliver, or receive SUI as part of the creation or redemption process or otherwise direct the Trust or a SUI Counterparty with respect to purchasing, holding, delivering, or receiving SUI as part of the creation or redemption process.

The SUI Counterparty is a designated third party with whom the Sponsor has entered into an agreement on behalf of the Trust that will deliver, receive or convert to U.S. dollars the SUI related to the Authorized Participant's creation or redemption order. The Sponsor performs extensive due diligence as part of its SUI Counterparty selection and onboarding process. As part of this process, the Sponsor assesses SUI Counterparty candidates against various criteria, including those relating to candidates' (1) financials, (2) reputation, (3) settlement history with the Sponsor, and (4) their regulatory oversight. The Trust will create Shares by receiving SUI from a SUI Counterparty that is not the Authorized Participant, and the Trust—not the Authorized Participant—is responsible for selecting the SUI Counterparty to deliver the SUI. Further, the SUI Counterparty will not be acting as an agent of the Authorized Participant with respect to the delivery of the SUI to the Trust or acting at the direction of the Authorized Participant with respect to the delivery of the SUI to the Trust.

The Trust will redeem Shares by delivering SUI to a SUI Counterparty that is not the Authorized Participant and the Trust—not the Authorized Participant—is responsible for selecting the SUI Counterparty to receive the SUI. Further, the SUI Counterparty will not be acting as an agent of the Authorized

⁶ Such alternative method will only be employed on an ad hoc basis. Any permanent change to the calculation of the NAV would require a proposed rule change under Rule 19b-4.

Participant with respect to the receipt of the SUI from the Trust.

Each Authorized Participant will be required to be registered as a broker-dealer under the Exchange Act and a member in good standing with FINRA, or exempt from being or otherwise not required to be licensed as a broker-dealer or a member of FINRA, and will be qualified to act as a broker or dealer in the states or other jurisdictions where the nature of its business so requires. Certain Authorized Participants may also be regulated under federal and state banking laws and regulations. Each Authorized Participant has its own set of rules and procedures, internal controls and information barriers as it determines is appropriate in light of its own regulatory regime.

According to the Registration Statement, on any business day,⁷ an Authorized Participant may place an order to create one or more Baskets via a cash transaction. Purchase orders must be placed by 12:00 p.m. ET, the close of regular trading on the Exchange, or another time determined by the Sponsor. The day on which an order is received by the Transfer Agent is considered the purchase order date. The total deposit of cash required is based on the combined NAV of the number of Shares included in the Baskets being created determined as of 4:00 p.m. ET on the date the order to purchase is properly received. The Administrator determines the quantity of SUI associated with a Basket for a given day by dividing the number of SUI held by the Trust as of the opening of business on that business day, adjusted for the amount of SUI constituting estimated accrued but unpaid fees and expenses of the Trust as of the opening of business on that business day, by the quotient of the number of Shares outstanding at the opening of business on that business day, divided by the number of Shares in a Basket.

The procedures by which an Authorized Participant can redeem one or more Baskets mirror the procedures for the creation of Baskets.

The Sponsor will maintain ownership and control of SUI in a manner consistent with good delivery requirements for spot commodity transactions.

Applicable Standard

Since 2017, the Commission has approved or disapproved exchange filings to list and trade series of Trust

Issued Receipts, including spot-based Commodity-Based Trust Shares, on the basis of whether the listing exchange has in place a comprehensive surveillance sharing agreement with a regulated market of significant size related to the underlying commodity to be held.⁸ The Commission has also consistently recognized, however, that this is not the *exclusive* means by which a listing exchange for an exchange-traded product (“ETP”) can meet this statutory obligation.⁹ An ETP listing exchange could, alternatively, demonstrate that “other means to prevent fraudulent and manipulative acts and practices will be sufficient” to justify dispensing with a surveillance-

⁸ See Securities Exchange Act Release Nos. 78262 (July 8, 2016), 81 FR 78262 (July 14, 2016) (the “Winklevoss Proposal”). The Winklevoss Proposal was subsequently disapproved by the Commission. See Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 (August 1, 2018) (the “Winklevoss Order”). Prior orders from the Commission have pointed out that in every prior approval order for Commodity-Based Trust Shares, there has been a derivatives market that represents the regulated market of significant size, generally a Commodity Futures Trading Commission (the “CFTC”) regulated futures market. Further to this point, the Commission’s prior orders have noted that the spot commodities and currency markets for which it has previously approved spot ETPs are generally unregulated and that the Commission relied on the underlying futures market as the regulated market of significant size that formed the basis for approving the series of Currency and Commodity-Based Trust Shares, including gold, silver, platinum, palladium, copper, and other commodities and currencies. The Commission specifically noted in the Winklevoss Order that the approval order issued related to the first spot gold ETP “was based on an assumption that the currency market and the spot gold market were largely unregulated.” See Winklevoss Order at 37592. As such, the regulated market of significant size test does not require that the spot market be regulated in order for the Commission to approve this proposal, and precedent makes clear that an underlying market for a spot commodity or currency being a regulated market would actually be an exception to the norm. These largely unregulated currency and commodity markets do not provide the same protections as the markets that are subject to the Commission’s oversight, but the Commission has consistently looked to surveillance sharing agreements with the underlying futures market in order to determine whether such products were consistent with the Act. See Securities Exchange Act No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (the “Spot Bitcoin ETP Approval Order”); 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products) (the “Spot ETH ETP Approval Order”).

⁹ See Winklevoss Order, 83 FR 37580; see Spot Bitcoin ETP Approval Order, 89 FR 3009; see Spot ETH ETP Approval Order 89 FR 46938.

sharing agreement with a regulated market of significant size.

The Commission recently issued orders granting approval for proposals to list bitcoin- and ether-based commodity trust shares and bitcoin-based, ether-based, and a combination of bitcoin- and ether-based trust issued receipts (these proposed funds are nearly identical to the Trust, but proposed to hold bitcoin and/or ether, respectively, instead of SUI) (“Spot Bitcoin ETPs” and “Spot ETH ETPs”). In both the Spot Bitcoin ETP Approval Order and Spot ETH ETP Approval Order, the Commission found that sufficient “other means” of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance-sharing agreement with a market of significant size. Specifically, the Commission found that while the Chicago Mercantile Exchange (“CME”) futures market for both bitcoin and ether were not of “significant size” with respect to the spot market, the Exchange demonstrated that other means could be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the proposals.

As further discussed below, both the Exchange and the Sponsor believe that this proposal and the analysis to be included are sufficient to establish that there are sufficient “other means” of preventing fraud and manipulation that warrant dispensing with the surveillance-sharing agreement with a regulated market of significant size, as was done with both Spot Bitcoin ETPs and Spot ETH ETPs, and that this proposal should be approved.

The Commission has approved numerous series of Trust Issued Receipts,¹⁰ including Commodity-Based Trust Shares,¹¹ to be listed on U.S.

¹⁰ Pursuant to Nasdaq Rule 5720(a), the term “Trust Issued Receipt” means a security (a) that is issued by a trust which holds specified securities deposited with the trust; (b) that, when aggregated in some specified minimum number, may be surrendered to the trust by the beneficial owner to receive the securities; and (c) that pays beneficial owners dividends and other distributions on the deposited securities, if any are declared and paid to the trustee by an issuer of the deposited securities.

¹¹ Pursuant to Nasdaq Rule 5711(d)(iv), the term “Commodity-Based Trust Shares” means a security (1) that is issued by a trust that holds (a) a specified commodity deposited with the trust, or (b) a specified commodity and, in addition to such specified commodity, cash; (2) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (3) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash.

⁷ The Registration Statement defines a “business day” as each day other than a day when the Exchange or the New York Stock Exchange is closed for regular trading.

national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices; and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the "regulated market of significant size" standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that "other means to prevent fraudulent and manipulative acts and practices" are sufficient to justify dispensing with the requisite surveillance-sharing agreement.¹² While there is currently no regulated futures market for SUI, the Exchange and Sponsor note that in approving the Spot Bitcoin ETPs, the Commission found that "sufficient 'other means' of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance sharing agreement with a regulated market of significant size."¹³ The Exchange and Sponsor believe that this proposal provides for sufficient other means of preventing fraud and manipulation to justify dispensing with a surveillance sharing agreement with a regulated market of significant size.

Over the past two years, U.S. investor exposure to SUI, through digital asset trading platforms, has grown to billions of dollars with a market capitalization

greater than \$12 billion as of the date of this filing. The Exchange believes that approving this proposal (and comparable proposals) provides the Commission with the opportunity to allow U.S. investors with access to SUI in a regulated and transparent exchange-traded vehicle that would act to limit risk to U.S. investors by: (i) reducing premium and discount volatility; (ii) reducing management fees through meaningful competition; and (iii) providing an alternative to the custody of spot SUI.

The policy concerns that the Exchange Act is designed to address are also otherwise mitigated by the fact that the size of the market for the underlying reference asset (greater than \$12 billion as of the date of this filing) and the nature of the SUI ecosystem reduces its susceptibility to manipulation. The geographically diverse and continuous nature of SUI trading, along with trading volume across multiple venues, makes it difficult and prohibitively costly to manipulate the price of SUI. There are a number of reasons this is the case, including that manipulation of the price on any single venue would require manipulation of the global SUI price in order to be effective; SUI's character as a continuously traded digital asset traded without interruption across the world provides constant arbitrage opportunities across all trading venues; and it is unlikely that any one actor could obtain a dominant market share.

Further, the Exchange believes that the fragmentation across SUI trading platforms and adoption of SUI, as displayed through user engagement and trading volumes, and the Sui Network make manipulation of SUI prices through continuous trading activity more difficult. Moreover, the linkage between the SUI markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SUI on any single venue would require manipulation of the global SUI price in order to be effective. Arbitrageurs must have funds distributed across multiple SUI trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SUI trading platform. As a result, the potential for manipulation on a particular SUI trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. The Exchange therefore believes that the above considerations can effectively address concerns around potential fraud and manipulation.

Initial and Continued Listing

The Shares will be subject to Nasdaq Rule 5711(d)(vi), which sets forth the initial and continued listing criteria applicable to Commodity-Based Trust Shares. The Exchange will obtain a representation that the Trust's NAV per Share will be calculated daily and will be made available to all market participants at the same time. A minimum of 40,000 Shares will be required to be outstanding at the time of commencement of trading on the Exchange. Upon termination of the Trust, the Shares will be removed from listing. The Trustee will be a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Nasdaq Rule 5711(d)(vi)(D) and no change will be made to the Trustee without prior notice to and approval of the Exchange.

As required in Nasdaq Rule 5711(d)(viii), the Exchange notes that any registered market maker ("Market Maker") in the Shares must file with the Exchange, in a manner prescribed by the Exchange, and keep current a list identifying all accounts for trading the underlying commodity, related futures or options on futures, or any other related derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker in the Shares shall trade in the underlying commodity, related futures or options on futures, or any other related derivatives, in an account in which a registered Market Maker, directly or indirectly, controls trading activities, or has a direct interest in the profits or losses thereof, which has not been reported to the Exchange as required by Nasdaq Rule 5711(d). In addition to the existing obligations under Exchange rules regarding the production of books and records, the registered Market Maker in the Shares shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or any limited partner, officer or approved person thereof, registered or non-registered employee affiliated with such entity for its or their own accounts in the underlying commodity, related futures or options on futures, or any other related derivatives, as may be requested by the Exchange.

The Exchange is able to obtain information regarding trading in the Shares and the underlying SUI or any SUI derivative through members acting as registered Market Makers, in connection with their proprietary or customer trades.

¹² See Winklevoss Order at 37580. The Commission has also specifically noted that it "is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met." *Id.* at 37582.

¹³ See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for Spot ETH ETPs. See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

As a general matter, the Exchange has regulatory jurisdiction over its members, and their associated persons. The Exchange also has regulatory jurisdiction over any person or entity controlling a member, as well as a subsidiary or affiliate of a member that is in the securities business. A subsidiary or affiliate of a member organization that does business only in commodities would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. The Exchange will allow trading in the Shares from 4:00 a.m. to 8:00 p.m. ET. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. The Shares of the Trust will conform to the initial and continued listing criteria set forth in Nasdaq Rule 5711(d) and will comply with the requirements of Rule 10A-3 of the Act.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including without limitation the conditions specified in Nasdaq Rule 4120(a)(9) and (10) and the trading pauses under Nasdaq Rules 4120(a)(11) and (12).

Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the SUI underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

If the IIV or the value of the Index is not being disseminated as required, the Exchange may halt trading during the day on which the interruption to the dissemination of the IIV or the value of the Index occurs. If the interruption to the dissemination of the IIV or the value of the Index persists past the trading day on which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

In addition, if the Exchange becomes aware that the NAV per Share with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV per Share is available to all market participants.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (e.g., spoofing, marking the close, pinging, phishing). Trading of Shares on the Exchange will be subject to the Exchange's surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG"), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. The Exchange also may obtain information regarding trading in the Shares via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an information circular ("Information Circular") of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) the procedures for creations and redemptions of Shares in Baskets (and that Shares are not individually redeemable); (2) Section 10 of Nasdaq General Rule 9, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the IIV and NAV is disseminated; (4) the risks involved in trading the Shares during the pre-market and post-market sessions when an updated IIV will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no action and interpretive relief granted by the Commission from any rules under the Act.

The Information Circular will also reference the fact that there is no regulated source of last sale information regarding SUI, and that the Commission has no jurisdiction over the trading of SUI as a commodity.

Additionally, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares. The Information Circular will disclose that information about the Shares will be publicly available on the Trust's website.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹⁵ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Commission has approved numerous series of Trust Issued Receipts, including Commodity-Based Trust Shares, to be listed on U.S.

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(5).

national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices; and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the "regulated market of significant size" standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically recognizing that a listing exchange could demonstrate that "other means to prevent fraudulent and manipulative acts and practices" are sufficient to justify dispensing with the requisite surveillance-sharing agreement with the underlying spot market. The Exchange and Sponsor believe that such conditions are present. While there is currently no regulated futures market for SUI, in approving the Spot Bitcoin ETPs, the Commission found that "sufficient 'other means' of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance sharing agreement with a regulated market of significant size."¹⁶ The Exchange and Sponsor believe that this proposal provides for sufficient other means of preventing fraud and manipulation to justify dispensing with a surveillance sharing agreement with a regulated market of significant size.

Over the past two years, U.S. investor exposure to SUI, through digital asset trading platforms, has grown to billions of dollars with a market capitalization greater than \$12 billion, as of the date of this filing. The Exchange believes that approving this proposal (and comparable proposals) provides the Commission with the opportunity to allow U.S. investors with access to SUI

in a regulated and transparent exchange-traded vehicle that would act to limit risk to U.S. investors by: (i) reducing premium and discount volatility; (ii) reducing management fees through meaningful competition; and (iii) providing an alternative to the custody of spot SUI.

The policy concerns that the Exchange Act is designed to address are also otherwise mitigated by the fact that the size of the market for the underlying reference asset (greater than \$12 billion, as of the date of this filing) and the nature of the SUI ecosystem reduces its susceptibility to manipulation. The geographically diverse and continuous nature of SUI trading, along with trading volume across multiple venues, makes it difficult and prohibitively costly to manipulate the price of SUI. There are a number of reasons this is the case, including that manipulation of the price on any single venue would require manipulation of the global SUI price in order to be effective; SUI's character as a continuously traded digital asset traded without interruption across the world provides constant arbitrage opportunities across all trading venues; and it is unlikely that any one actor could obtain a dominant market share.

Further, the Exchange believes that the fragmentation across SUI trading platforms and adoption of SUI, as displayed through user engagement and trading volumes, and the Sui Network make manipulation of SUI prices through continuous trading activity more difficult. Moreover, the linkage between the SUI markets and the presence of arbitrageurs in those markets means that the manipulation of the price of SUI on any single venue would require manipulation of the global SUI price in order to be effective. Arbitrageurs must have funds distributed across multiple SUI trading platforms in order to take advantage of temporary price dislocations, thereby making it unlikely that there will be strong concentration of funds on any particular SUI trading platform. As a result, the potential for manipulation on a particular SUI trading platform would require overcoming the liquidity supply of such arbitrageurs who are effectively eliminating any cross-market pricing differences. The Exchange therefore believes that the above considerations can effectively address concerns around potential fraud and manipulation.

The Exchange further believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest in that the Shares will be listed and traded on the Exchange pursuant to the initial and

continued listing criteria set forth in Nasdaq Rule 5711(d). The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. As discussed above, the surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (e.g., spoofing, marking the close, pinging, phishing). Trading of Shares on the Exchange will be subject to the Exchange's surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange may obtain trading information regarding trading in the Shares from such markets and other entities.

Trading in Shares of the Trust will be halted if the circuit breaker parameters have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

¹⁶ See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for Spot ETH ETPs. See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

For all the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change will rather facilitate the listing and trading of an additional ETP that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NASDAQ-2025-042 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-NASDAQ-2025-042. This

file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NASDAQ-2025-042 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025-10441 Filed 6-9-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103194; File No. SR-NASDAQ-2025-016]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Nasdaq Rule 5712 To Provide for the Listing and Trading of Commodity- and/or Digital Asset-Based Investment Interests and To List and Trade Shares of the Hashdex Nasdaq Crypto Index US ETF Under Proposed Nasdaq Rule 5712

June 4, 2025.

I. Introduction

On February 18, 2025, The Nasdaq Stock Market LLC ("Exchange" or "Nasdaq") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt new Nasdaq Rule 5712 to provide for the listing and trading of Commodity- and/or Digital Asset-Based Investment Interests and to list and trade shares ("Shares") of the Hashdex Nasdaq Crypto Index US ETF ("Trust") under proposed Nasdaq Rule 5712. On February 27, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on March 7, 2025.³

On April 17, 2025, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change, as modified by Amendment No. 1.⁵ This order institutes proceedings under Section

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 102513 (Mar. 3, 2025), 90 FR 11563 ("Notice"). Comments received on the proposed rule change are available at: <https://www.sec.gov/comments/sr-nasdaq-2025-016/srnasdaq2025016.htm>.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 102885, 90 FR 17092 (Apr. 23, 2025) (designating June 5, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change, as modified by Amendment No. 1).

¹⁷ 17 CFR 200.30-3(a)(12).

19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

II. Summary of the Proposal, as Modified by Amendment No. 1

A. Proposed Listing Standards for Commodity- and/or Digital Asset-Based Investment Interests

As described in more detail in the Notice,⁷ the Exchange proposes to adopt new Nasdaq Rule 5712 to provide for the listing and trading of Commodity- and/or Digital Asset-Based Investment Interests. Proposed Nasdaq Rule 5712(c)(1) defines “Commodity- and/or Digital Asset-Based Investment Interests” to mean “a security (a) that is issued by a trust, limited liability company, or other similar entity (the ‘Fund’) that holds (1) specified commodities and/or digital assets deposited with the Fund, or (2) specified commodities and/or digital assets and, in addition to such specified commodities and/or digital assets, derivative securities products⁸ deposited with the Fund and/or cash; (b) that is issued by such Fund in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity(ies), digital asset(s), derivative securities products, and/or cash; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such Fund which will deliver to the redeeming holder the quantity of the underlying commodity(ies), digital asset(s), derivative securities products, and/or cash.”⁹

Proposed Nasdaq Rule 5712(c)(2) states that “commodity,” for purposes of this rule, “means commodities as defined in Section 1a(9) of the Commodity Exchange Act.”¹⁰ Proposed Nasdaq Rule 5712(c)(3) defines the term “digital asset,” for purposes of this rule, to mean “any digital representation of value recorded on a cryptographically secured, distributed ledger (*i.e.*, blockchain) or similar technology.”¹¹

Proposed Nasdaq Rule 5712 sets forth certain listing requirements specific to Commodity- and/or Digital Asset-Based Investment Interests, as described in more detail in the Notice and Exhibit 5

thereto.¹² Among other things, proposed Nasdaq Rule 5712(e)(1)(ii) would provide that there shall be no limitation on the percentage of a Fund’s portfolio that may be invested in commodity and/or digital asset holdings, “except that, in the aggregate, at least 90% of the weight of such holdings shall, on both an initial and continuing basis, consist of commodities and/or digital assets concerning which the Exchange is able to obtain information via the Intermarket Surveillance Group (‘ISG’) from other members of the ISG or via a comprehensive surveillance sharing agreement.”¹³

The Exchange also proposes to amend Nasdaq Rule 5615(a)(6)(B) (Exemptions from Certain Corporate Governance Requirements) to include Commodity- and/or Digital Asset-Based Investment Interests in the definition of “Derivative Securities,” the issuers of which are exempt from certain enumerated corporate governance requirements.¹⁴ In addition, the Exchange proposes to amend its existing trading halt rules related to exchange-traded products (“ETPs”) to add references to Commodity- and/or Digital Asset-Based Investment Interests to make clear that such products will be subject to those rules.¹⁵

¹² See Notice, *supra* note 3. See also Exhibit 5 to the proposed rule change, available at <https://www.sec.gov/files/rules/sro/nasdaq/2025/34-102513-ex5.pdf>.

¹³ See Notice at 11564.

¹⁴ See *id.* at 11565. Nasdaq Rule 5615(a)(6)(A) provides that for issuers whose only securities listed on Nasdaq are non-voting preferred securities, debt securities, or Derivative Securities, such issuers are exempt from the requirements relating to independent directors (Nasdaq Rule 5605(b)), compensation committees (Nasdaq Rule 5605(d)), director nominations (Nasdaq Rule 5605(e)), codes of conduct (Nasdaq Rule 5610), and meetings of shareholders (Nasdaq Rule 5620(a)). In addition, these issuers are exempt from the requirements relating to audit committees (Nasdaq Rule 5605(c)), except for the applicable requirements of Exchange Act Rule 10A-3. If, on the other hand, the issuer lists on Nasdaq its common stock or voting preferred stock, or their equivalent, it will be subject to all the requirements of the Nasdaq 5600 Rule Series. See Nasdaq Rule 5615(a)(6)(A).

¹⁵ See Notice at 11565. Specifically, the Exchange proposes to (i) amend Equity 4, Nasdaq Rule 4120(a)(9) to add Commodity- and/or Digital Asset-Based Investment Interests to the list of ETPs for which the Exchange may halt trading under certain circumstances and (ii) amend Equity 4, Nasdaq Rule 4120(b)(4)(A) to add Commodity- and/or Digital Asset Based Investment Interests to the definition of “Derivative Securities Product” to make clear that this product type will be subject to the Exchange’s authority to halt Derivative Securities Products pursuant to Nasdaq Rule 4120(a)(10) if the net asset value (“NAV”) is not being disseminated to all market participants at the same time. See *id.*

B. Hashdex Nasdaq Crypto Index US ETF

As described in more detail in the Notice,¹⁶ the Exchange also proposes to list and trade Shares of the Trust under proposed Nasdaq Rule 5712.¹⁷

According to the Exchange, the investment objective of the Trust will be to ensure that the daily changes in the NAV of the Shares correspond to the daily changes in the price of the Nasdaq Crypto Settlement Price Index (“Index”),¹⁸ less expenses and liabilities of the Trust, by investing in the digital asset constituents of the Index (“Index Constituents”).¹⁹ The assets of the Trust will consist of the Index Constituents, cash, and cash equivalents.²⁰ The weighting of each Index Constituent in

¹⁶ See *supra* note 3.

¹⁷ The Commission previously approved the listing and trading of the Shares of the Trust under Nasdaq Rule 5711(d) (Commodity-Based Trust Shares) on December 19, 2024. See Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Hashdex Nasdaq Crypto Index US ETF and Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Franklin Crypto Index ETF, a Series of the Franklin Crypto Trust, Securities Exchange Act Release No. 101998 (Dec. 19, 2024), 89 FR 106707 (Dec. 30, 2024) (SR-NASDAQ–2024–028; SR-ChoeBZX–2024–091). See also Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Hashdex Nasdaq Crypto Index US ETF Under Nasdaq Rule 5711(d), Securities Exchange Act Release No. 101218 (Sept. 30, 2024), 89 FR 80970 (Oct. 4, 2024) (SR-NASDAQ–2024–028) (“Amendment No. 1”); and Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Certain Representations Relating to Service Providers and Basket Size of the Hashdex Nasdaq Crypto Index US ETF, Securities Exchange Act Release No. 102309 (Jan. 29, 2025), 90 FR 8961 (Feb. 4, 2025) (SR-NASDAQ–2025–006) (updating certain representations made in Amendment No. 1 and, together with Amendment No. 1, the “Original Trust Filing”). The Exchange states that the current filing amends representations regarding the investment objective and strategy of the Trust made in the Original Trust Filing and proposes to list and trade the Shares under proposed Nasdaq Rule 5712 instead of Nasdaq Rule 5711(d). The Exchange states that the Original Trust Filing will remain in effect until this proposal is approved by the Commission, at which time the Exchange would transfer the Trust from its current listing under Nasdaq Rule 5711(d) to a new listing under proposed Nasdaq Rule 5712, and the Trust would implement its amended investment strategy as described in this filing upon such approval. See Notice at 11563.

¹⁸ The Index, which is designed to measure the performance of a portion of the overall crypto asset market, is owned and administered by Nasdaq, Inc. and is calculated by CF Benchmarks Limited. See *id.* at 11567.

¹⁹ See *id.* at 11566. The Trust is managed and controlled by the Hashdex Asset Management Ltd. (“Sponsor”) and administered by U.S. Bancorp Fund Services, LLC (“Administrator”). Coinbase Custody Trust Company, LLC and BitGo Trust Company, Inc. will be responsible for the custody of the Trust’s digital assets. See *id.* at 11565–66.

²⁰ See *id.* at 11571.

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See *supra* note 3.

⁸ The Exchange defines “derivative securities products” as securities that meet the definition of “derivative securities product” in Rule 19b-4(e) under the Act. See Notice at 11564.

⁹ See *id.*

¹⁰ See *id.*

¹¹ See *id.*

the Trust's portfolio is generally expected to match the weighting of the Index Constituents in the Index,²¹ except when the Sponsor determines to exclude or limit the weight of one or more digital assets from the Trust's portfolio in certain rules-based circumstances, in which case the weightings of the digital assets held by the Trust are generally expected to be calculated proportionally to the respective Index Constituents for the remaining Index Constituents.²² As of the date of the filing, the Index Components and their weightings were as follows:²³

Constituents	Weight (%)
Bitcoin (BTC)	72.70
Ether (ETH)	14.48
Solana (SOL)	4.78
XRP Ledger (XRP)	5.02
Cardano (ADA)	1.50
Chainlink (LINK)	0.51
Avalanche (AVAX)	0.37
Litecoin (LTC)	0.37
Uniswap (UNI)	0.27

For purposes of calculating NAV, the Administrator will value the digital assets held by the Trust based on the settlement price of each Index Constituent ("Index Constituent Settlement Price"),²⁴ unless the Index Constituent Settlement Price is not available or the Administrator determines that the Index Constituent Settlement Price is unreliable.²⁵ The Trust will issue and redeem Shares in cash with authorized participants on a continuous basis in one or more "Baskets" of 10,000 Shares.²⁶

III. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2025–016 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act²⁷ to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution

of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,²⁸ the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices" and "to protect investors and the public interest."²⁹

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice, in addition to any other comments they may wish to submit about the proposed rule change. In particular, with respect to the proposal to allow the listing and trading of Commodity- and/or Digital Asset-Based Investment Interests on the Exchange, the Commission seeks comment on whether the requirements and associated definitions set forth in proposed Nasdaq Rule 5712 are sufficiently clear. The Commission also seeks comment on whether the proposal to list and trade Shares of the Trust, which would hold BTC, ETH, SOL, XRP, ADA, LINK, AVAX, LTC, and UNI, and potentially other commodities, digital assets, and/or derivative securities products, is designed to prevent fraudulent and manipulative acts and practices or raises any new or novel concerns not previously contemplated by the Commission.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal, as modified by Amendment No. 1, is consistent with Section 6(b)(5) or any other provision of the Act, and

the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.³⁰

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by July 1, 2025. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 15, 2025.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR–NASDAQ–2025–016 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–NASDAQ–2025–016. 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

²¹ According to the Exchange, crypto assets are eligible for inclusion in the Index if they satisfy the criteria set forth under the Nasdaq Crypto Index methodology, and the Index Constituents are weighted according to their relative free float market capitalizations. The Index adjusts its constituents and weightings on a quarterly basis to reflect changes in the crypto asset markets. *See id.* at 11567.

²² *See id.* at 11566.

²³ *See id.*

²⁴ For additional details regarding the calculation of the Index Constituent Settlement Prices, *see* Notice at 11568.

²⁵ *See id.* at 11571.

²⁶ *See id.* at 11569–70.

²⁷ 15 U.S.C. 78s(b)(2)(B).

²⁸ *Id.*

²⁹ 15 U.S.C. 78f(b)(5).

³⁰ Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–016 and should be submitted on or before July 1, 2025. Rebuttal comments should be submitted by July 15, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025–10442 Filed 6–9–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103192; File No. SR–LCH SA–2025–003]

Self-Regulatory Organizations; LCH SA; Order Granting Approval of Proposed Rule Change Relating to Revisions to Its Liquidity Risk Modelling Framework

June 4, 2025.

I. Introduction

On April 14, 2025, Banque Centrale de Compensation, which conducts business under the name LCH SA (“LCH SA”), filed with the Securities and Exchange Commission (“Commission” or “SEC”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”) ¹ and Rule 19b–4 thereunder, ² a proposed rule change (the “Proposed Rule Change”) to amend its Liquidity Risk Modelling Framework (the “Framework”), which describes the Liquidity Stress Testing framework that the Collateral and Liquidity Risk Management department (“CaLM”) of LCH SA uses to ensure that LCH SA has enough cash available to meet any financial obligations, both expected and unexpected, that may arise over the liquidation period for each of the clearing services that LCH SA offers. The Proposed Rule Change was published for comment in the

Federal Register on April 22, 2025.³ The Commission has not received any comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Description of the Proposed Rule Change

LCH SA is a clearing agency that clears, among other things, credit-default swaps (“CDS”).⁴ LCH SA is registered with the Commission for clearing CDS that are security-based swaps and with the Commodity Futures Trading Commission for clearing CDS that are swaps. As part of its clearing business, LCH SA maintains cash and other liquid financial resources to meet its financial obligations. The Framework and other procedures describe how LCH SA maintains these resources and manages its liquidity risk, meaning the risk that LCH SA will not have enough liquid financial resources to meet its financial obligations.⁵

LCH SA is proposing to (i) enhance details about how LCH SA models for the liquidity needs arising from the daily settlement process in its RepoClear service related to the auto-collateralization feature in its Framework; (ii) amend how LCH SA accounts for non-defaulting members’ excess collateral in the calculation of the Standalone Operational Target and Liquidity Coverage Ratio (“LCR”) in the Framework; (iii) quantify LCH SA’s liquidity needs arising from clearing members replacing liquid resources with non-liquid resources for liquidity needs modelling; (iv) clarify how LCH SA accounts for clearing members switching their respective pledging arrangement for collateral included in LCH SA’s Standalone Operational Target; (v) add descriptions of assumptions that LCH SA makes when conducting one of its reverse stress tests; (vi) clarify descriptions of LCH SA’s sources of liquidity; and (vii) make other non-substantive changes to correct errors and outdated information for the purposes of conformity. These changes are discussed below according to the

sections of the Framework where they are found.

A. Section 1 Changes

Section 1 describes the scope, purpose, and use of the Framework.

In subsections 1.6.1, 1.6.1.1, and 1.6.1.3, LCH SA is updating outdated information and references to make the Framework more accurate and better align the Framework with LCH SA’s Liquidity Plan.⁶ For example, in subsection 1.6.1, LCH SA is removing references to financial facilities that are no longer in place and historical references that are outdated and no longer applicable. Specifically, LCH SA is removing a reference to its use of cross-currency bilateral repo contracts because LCH SA no longer uses bilateral repos for such transactions (it uses triparty repos instead). Similarly, LCH SA is deleting reference to a multicurrency overdraft facility and an intraday credit line, because LCH SA no longer maintains those facilities. Instead, LCH SA maintains an uncommitted overdraft facility only. LCH SA is also replacing reference to “FX spot market transaction” with “FX operation” because the revised description more accurately reflects the process. Finally, in subsection 1.6.1.1, LCH SA is deleting reference to an operational process having been tested in 2016, because LCH SA tests the process every year.

Subsection 1.6.1.3 contains a table that summarizes LCH SA’s potential sources for liquidity resources. These sources generally are cash, non-cash collateral from clearing members, and collateral that CaLM obtains through its investment activities. In this table, LCH SA is updating the description of some of these sources to clarify whether LCH SA includes these sources when quantifying its total liquid resources.⁷ LCH SA is amending the table to align with the changes made overall, as well as to remove references to facilities that are no longer in place. For example, LCH SA is removing reference to the Norges bank secured committed facility, because that facility is no longer in place. Instead of the Norges bank secured committed facility, going forward LCH SA will have access to an uncommitted credit line with an international bank to cover overdrafts up to €10mm. Accordingly, in the part of the table describing this source of

³ Securities Exchange Act Release No. 102875 (April 16, 2025), 90 FR 16903 (April 22, 2025) (File No. SR–LCH SA–2025–003) (“Notice”).

⁴ Capitalized terms used but not defined herein have the meanings specified in the LCH SA Rule Book or Framework as applicable.

⁵ LCH SA also manages its liquidity risk pursuant to, among other policies and procedures, the Group Liquidity Risk Policy and the Group Liquidity Plan. These policies apply to LCH SA as a subsidiary of LCH Group and an indirect subsidiary of the London Stock Exchange Group plc. See Securities Exchange Act Release No. 100470 (July 9, 2024), 89 FR 57467 (July 15, 2024) (File No. SR–LCH SA–2023–007).

⁶ As noted, LCH SA also uses the Group Liquidity Plan to manage its liquidity risk.

⁷ The Framework describes LCH SA’s liquidity in terms of sources and needs. To model its overall liquidity, LCH SA quantifies its liquidity resources and its liquidity needs.

³¹ 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

liquidity, LCH SA is clarifying that this resource is uncommitted.

For non-Euro, non-cash collateral, LCH SA can only obtain Euro cash if the collateral is posted in full title and LCH SA has an arrangement to obtain Euro cash for the collateral. LCH SA has in place a cross-currency tri-party repo arrangement, which it can use to obtain Euro cash for non-Euro, non-cash collateral. LCH SA is clarifying that with respect to this arrangement, CaLM must, as part of its yearly review of LCH SA's Liquidity Plan, demonstrate to LCH SA's board of directors that the arrangement is highly reliable even in case of extreme but plausible market conditions.

Another potential source of liquidity is collateral that CaLM obtains through its investment activities. This source may include collateral that CaLM obtains via repo or reverse repo arrangements. LCH SA is clarifying that where Clearstream is acting as the Central Securities Depository ("CSD") for such arrangements, the collateral obtained by CaLM is not considered part of LCH SA's liquidity resources. LCH SA is specifying that such securities are not considered Liquid Resources because LCH SA does not have the right to rehypothecate these securities for purposes of raising liquidity. This updated text will substitute the previous historical reference to the Clearstream triparty repo facility and its exclusion from liquid resources, as LCH SA has not completed the technical setup needed to rehypothecate such securities.

Section 1.6.2 summarizes LCH SA's liquidity needs. This section identifies three broad categories of liquidity needs: (i) those arising from LCH SA's business-as-usual operations, which are called operational liquidity requirements; (ii) those arising from Clearing Members' defaults; and (iii) those arising from the default of LCH SA's interoperable CCP. Subsection 1.6.2.3 identifies the liquidity needs arising from LCH SA's operational liquidity requirements. LCH SA is revising the description of the operational liquidity requirements to expand an existing liquidity need and identify an additional liquidity need.

With respect to the existing liquidity need, LCH SA is revising the description from the substitution of cash and 3G-eligible collateral to the substitution of non-liquid resources for liquid resources. This revised description is more accurate and complete because substitution of cash and 3G-eligible collateral are not the only substitutions that could create a

liquidity need for LCH SA.⁸ LCH SA is also removing references to the need arising from an increase in Central Bank Guarantee ("CBG") payments because, operationally speaking, clearing members cannot substitute with CBG payments in the same manner as other collateral.

LCH SA is also adding to subsection 1.6.2.3 an additional, specific operational liquidity requirement, namely, to model the switch from collateral posted under the Full Title Transfer regime to the Pledge regime. When a clearing member switches non-cash collateral from a Full Title Transfer Account ("FTTA")⁹ to a Single Pledge Account ("SPA"), LCH SA can no longer obtain Euro cash for the collateral from the 3G pool.¹⁰ This is because LCH SA cannot pledge to the 3G pool collateral that is held in a SPA. This switch therefore reduces LCH SA's potential sources of liquidity, and thus represents an operational liquidity need. LCH SA is identifying this specific liquidity need in subsection 1.6.2.3 to better explain how it accounts for such switches when quantifying its liquidity resources and needs.

Subsection 1.6.2.4 describes a particular operational liquidity requirement at LCH SA related to its RepoClear service. Specifically, if a seller of securities delivers the securities before the buyer has provided the cash to purchase the securities, LCH SA will need to provide cash to the seller to settle the transaction. Where the securities are eligible for pledging at the ECB, LCH SA will use the auto-collateralization option of ECB's Target 2 Security ("T2S") service to settle the transaction.¹¹ LCH SA already models

⁸ For example, replacement of Euro denominated, non-cash collateral with non-Euro denominated, non-cash collateral, could also affect LCH SA's overall liquidity.

⁹ LCH SA can obtain cash for Euro denominated, non-cash collateral that is eligible for pledging at the ECB, by pledging this collateral at Banque de France, in the 3G Pool. LCH SA can only do so with respect to 3G-eligible collateral that a clearing member has posted to LCH SA in FTTA.

¹⁰ LCH SA permits Clearing Members to deposit non-cash collateral either through a FTTA or through a SPA. LCH SA maintains FTTAs at various central securities depositories and maintains SPAs at Euroclear Bank and Bank of New York Mellon (for U.S. Treasuries). As noted, LCH SA can pledge certain of non-cash collateral—mostly Euro-denominated securities—at Banque de France's 3G pool to obtain Euro cash. LCH SA can only pledge collateral that is deposited through a FTTA. LCH SA cannot pledge securities that a clearing member deposits via a SPA, regardless of whether the securities are otherwise eligible to be pledged to the 3G pool. See Securities Exchange Act Release No. 100470 (July 9, 2024), 89 FR 57467, 57469 (July 15, 2024) (File No. SR-LCH SA-2023-007).

¹¹ With auto-collateralization, LCH SA can pledge the securities received from the seller at the applicable CSD for those securities. In return, LCH

this potential liquidity need in the Framework. LCH SA is revising the description of this need to provide additional detail on how the auto-collateralization feature works and how it leads to an operational liquidity requirement. Moreover, LCH SA is adding an explanation as to how certain aspects of the auto-collateralization feature affect the amount of the operational liquidity requirement.

First, LCH SA is proposing to add language to clarify that where LCH SA is unable to effectively demonstrate the effective transfer of securities to the 3G Pool to source central bank liquidity as part of its War Games exercises, the haircut applied to the impacted issuer will be set at 100% and the corresponding liquidity need modelled will be equal to the full amount to be injected to reimburse the auto-collateral credit at end of day.¹²

Second, LCH SA is proposing to add language to specify that any changes to limits to the number of securities that LCH SA can transfer to a CSD using the auto-collateralization feature will be automatically reflected in its modelling of the operational liquidity requirement. These limits are set for each pool of securities that are part of the T2S settlement platform, per type of security. These limits reduce the amount of securities that LCH SA can transfer to a CSD using the auto-collateralization feature, and therefore affect the overall liquidity need generated by LCH SA having to provide cash to a seller of securities.

Finally, LCH SA is also proposing to add language to specify that any changes to the ECB haircuts considered by the model will be automatically reflected in its modelling of this liquidity need.¹³ LCH SA is specifying

SA obtains cash, which it uses to settle the transaction with the seller. To close out the transaction on its end, LCH SA then attempts to find a legitimate buyer for those securities. If LCH SA is not able to do so, it will transfer cash to the CSD, and in return, the CSD will release the securities from the pledge. LCH SA then pledges these securities at the Banque de France in the 3G pool, receiving in return Euro cash for the value of the securities, minus a haircut.

¹² As explained above, if LCH SA is not able to find a buyer for the securities, it will transfer cash to the CSD and then transfer the securities from the CSD to the 3G pool. If LCH SA is not able, from an operational perspective, to transfer the securities from the CSD to the 3G pool, then LCH SA is not able to pledge the securities at Banque de France and obtain cash. Thus, an operational failure to transfer the securities could effectively result in a 100% liquidity drain.

¹³ As noted above, the amount of Euro cash that LCH SA obtains when pledging the securities is reduced by an applicable haircut. This haircut reduces the cash LCH SA receives which, as noted above, LCH SA uses to cover the outlay needed to release the securities from the CSD. Thus, the

Continued

that it models this operational liquidity requirement using the current most conservative ECB haircut in force at the moment of the monitoring.

Furthermore, LCH SA is also proposing to delete a table in this section that reflects the limits by settlement platform and activity as of March 30, 2022, and the associated footnotes. This table and related footnotes are primarily being removed because LCH SA will instead apply a more dynamic approach to determining the maximum liquidity drain that could occur from this operational liquidity requirement, as explained above.

B. Section 4 Changes

Section 4 of the Framework, titled Model Specification, explains how LCH SA models its liquidity sources and needs.

1. Operational Liquidity Requirements

Subsection 4.1 describes in more detail LCH SA's operational liquidity requirements, including the sources of these requirements and the resources that LCH SA uses to meet these requirements. LCH SA is making changes to this subsection to conform to the proposed changes made to Section 1 above. Specifically, LCH SA is (i) revising the operational liquidity requirement resulting from the repayment of excess collateral; (ii) expanding the operational liquidity requirement resulting from the substitution of cash collateral to cover substitutions from liquid resources to non-liquid resources; and (iii) adding an additional, specific operational liquidity requirement to account for members switching collateral from a FTTA to a SPA. LCH SA is also making changes to the assumptions related to margin reduction, to conform to these changes.

i. Excess Collateral

With respect to the repayment of excess collateral, the Framework currently accounts for this operational liquidity need by assuming that all excess collateral is withdrawn following a stress event. Excess collateral is cash, or non-cash collateral eligible to be pledged at the 3G pool, that is not needed to meet a clearing member's current margin or default fund requirements. LCH SA currently assumes that clearing members will withdraw 100% of such excess collateral within three days. LCH SA is modifying this assumption. Going forward, LCH SA will assume that

clearing members withdraw excess collateral over seven days.

LCH SA is updating subsection 4.1.5 ("Model Assumptions") to add new language in a new subpart d, titled "Partial repayment of Excess posted by members." LCH SA proposes to model for a partial withdrawal of excess collateral based on an indicator calibrated with empirical clearing member data. LCH SA is removing previous references to the assumptions of excess collateral withdrawal over three days. LCH SA is basing the partial withdrawal on the second worst observed relative withdrawal of excess observed during a ten-year historical period, capped at the biggest observed reduction in excess collateral. For this purpose, LCH SA is utilizing up to ten years of historical data, with the data starting in 2018. LCH SA is applying the overall biggest reduction on the first day, and in each intermediary day, applying the compounded excess reduction that is above the 99.7% percentile confidence interval within the historical period. Finally, LCH SA is assuming no increase of any excess collateral from clearing members over the liquidity horizon.

LCH SA is proposing to monitor and update the calibration of this amount daily as new data becomes available, up to a ten-year period. LCH SA is also proposing to implement an enhancement of the daily back testing to ensure any changes in the partial withdrawal scenario are flagged to senior management. Any new extreme will automatically be integrated in the Framework the following day and will be shared with the Head of Market Risk and the Chief Risk Officer. In addition, a deep analysis will be performed to assess the level of excess reduction modelled each intermediary day of the liquidity horizon considering the drivers of the new peak. Results of this exercise may lead to a review of the split of excess collateral reduction modelled in the intermediary days within the liquidity horizon and any change to the Framework would therefore require review and approval by LCH SA's Executive Risk Committee.

As part of the discussion of withdrawal of excess collateral, the Framework contains a footnote that explains certain collateral is not considered excess collateral when modelling this liquidity requirement. Specifically, securities denominated in Danish Krone, Norwegian Krone, Swedish Krona, Japanese Yen, Swiss Franc, Canadian Dollar, and Australian Dollar are not eligible for pledge at the 3G pool, and therefore are not considered liquidity resources. Because

such securities are not liquidity resources, LCH SA does not include them when modelling the effect of the withdrawal of excess collateral. To clarify current practice, LCH SA is proposing to add to this footnote that non-Euro cash and CBGs are excluded as well. LCH SA does not consider non-Euro cash to be liquidity resources, and LCH SA cannot use a central bank guaranty for liquidity unless the clearing member that posted the guaranty is in default. For these reasons, LCH SA does not treat those items as liquidity resources and therefore does not include them when modelling the effect of the withdrawal of excess collateral.

Finally, to conform with the changes in this subsection, LCH is updating the appendices in Section 6, as discussed further below.

ii. Substitutions From Liquid Resources to Non-Liquid Resources

As noted above, LCH SA currently considers the liquidity needs arising from the substitution of non-cash collateral for cash and non-3G-eligible collateral for 3G-eligible collateral. LCH SA is expanding this liquidity need by updating subsection 4.1.5 to add new language in a new subpart e, titled "Substitution from liquid resources to non-liquid resources." Like the withdrawal of excess collateral, LCH SA will assume clearing members switch to non-liquid resources over seven days.

To accurately account for the switch of liquid resources to non-liquid resources in the assumptions of the Framework, LCH SA will include details on the new proposed calculation and underlying assumptions. To align with these changes, LCH SA will clarify that the substitution refers to liquid resources (and not only cash or ECB-eligible collateral) to non-liquid resources. The result of the calculation represents the target estimated switch over a liquidity horizon of seven days and is based on historical data calibrated daily. LCH SA will build the time series of data utilized in the calculation until it reaches a maximum lookback period of 10 years, beginning with data from 2022. LCH SA will assume clearing members will not switch non-liquid collateral for liquid collateral over the liquidity horizon and will apply the largest absolute net substitution amount historically observed on a single day over the lookback period, on the first day of the liquidity horizon. For each subsequent day, LCH SA will set the compounded net substitution amount above the 99.7% percentile confidence interval within the historical window observed.

amount of this haircut reduces the amount of liquidity that LCH SA can ultimately obtain and represents a part of the liquidity need.

Finally, LCH SA will monitor the assumptions underlying the calculation of the switch amount daily and will compare these assumptions against the parameters set up in production according to the described methodology with new extrema automatically reflected in metric calculations.¹⁴

As part of this change, LCH SA also is proposing to add language clarifying that it assumes 3G-eligible securities can be pledged within the same day for cash. LCH SA must test and validate this assumption annually as part of the testing of its Liquidity Plan. That is, LCH SA will demonstrate its ability to perform the necessary activities for purposes of meeting its regulatory obligations related to ensuring access to liquidity. LCH SA will delete the current reference to testing this assumption during its War Games Q3 2022, as this reference is now outdated.

Finally, LCH SA is deleting the previously applied methodology for tracking asset switches from cash or 3G-eligible securities, equity lodging, and the use of CBGs, as they are no longer relevant in light of the revisions described above. Instead, a more comprehensive and holistic methodology has been introduced as described above to ensure a more accurate and dynamic approach to liquidity management.

iii. Switching Collateral From a FTTA to a SPA

Additionally, FCH SA is updating subsection 4.1.5 to add new language in new subparts j and k, to specify that in the calculation of the Operational Target there will be a provision to model the switch from collateral posted under FTTAs, which is included in liquid resources, to collateral posted under SPAs, which is considered as non-liquid resources if the member posting the collateral is not in default.¹⁵

¹⁴ The net substitution amount is calculated for each date and collateral account and is based on a multi-step process that includes the calculation of two metrics: a negative substitution amount, or an amount that reflects a clearing member switching liquid resources with non-liquid resources, and a positive substitution amount, or an amount that reflects a clearing member switching from non-liquid to liquid resources. The net substitution amount represents the difference between the negative substitution amount and the positive substitution amount. LCH SA chooses the aggregate cumulative sum over each day of the liquidity horizon. Consequently, all the references to the former methodology and the related assumptions are proposed to be removed as the substitution is not performed anymore on the maximum historical substitution observed over the last 7 days.

¹⁵ This is the case because, as noted above, LCH SA can obtain liquidity for certain collateral using the Banque de France's 3G pool, but only if that collateral is posted under a FTTA. Thus, when a clearing member moves collateral to a SPA, LCH SA

will model this switch by comparing the second biggest historical pledged amount observed over a 10-year lookback period with the actual observed pledge collateral amount starting in 2022. The difference between these two components will correspond to the amount LCH SA will include in its daily liquidity requirements and is above the 99.7% percentile. Like the switch from liquid to non-liquid resources, LCH SA will implement additional daily monitoring and recalibrate the calculation of this metric as necessary if a new maximum is observed.

Finally, to conform with the changes in this subsection, LCH SA is updating the appendices in Section 6, as discussed further below.

iv. Margin Reduction

As part of its operational liquidity requirements, LCH SA also considers the potential reduction in margin requirements of non-defaulting clearing members in a stressed environment. This aspect of the liquidity is discussed in subsection 4.1.5(g) of the Framework. LCH SA is amending subsection 4.1.5(g) to note that the assumptions used to estimate the margin reduction are monitored daily and in case of a new extreme, will be automatically reflected in the computation of the metric.

Moreover, as is currently explained in subsection 4.1.5(g), LCH SA uses ten years of data to assess the accuracy of its estimate and assumptions for the margin reduction. Footnote 24 currently states that this ten-year lookback period ended in April 2022. LCH SA is deleting the reference to April 2022. Rather than ending in April 2022, LCH SA uses a rolling ten-year lookback, and updates the data series daily.

LCH SA is making these changes to conform to how it monitors other aspects of its operational liquidity requirements, like excess collateral and switches discussed above.

2. LCR

Subsection 4.2 describes how LCH SA calculates its liquidity coverage ratio, or "LCR." LCH SA uses LCR to determine if it has enough liquidity in case of the default of the two largest clearing member groups. In determining the LCR, LCH SA integrates its operational liquidity requirements, as described in subsection 4.1 of the Framework. In doing so, LCH SA modifies slightly some of the assumptions it uses in calculating its operational liquidity requirements. Specifically, in modelling

can no longer obtain liquidity for that collateral, unless the clearing member is in default.

switches from FTTAs to SPAs, for purposes of the LCR, LCH SA assumes clearing members that have SPAs will switch the maximum amount of collateral allowed, rather than modeling the switch over seven days. LCH SA is making edits to subsection 4.2.5.2.1 ("Operational target") to note this difference in assumption and to revise the reference to repayment of excess cash. Consistent with the changes described above, LCH SA instead is referencing repayment of excess, given the modelling will no longer be limited to withdrawals of excess cash. Finally, LCH SA is revising the description of the LCR in subsection 4.2.5.2.1 from "LCR" to "LCR liabilities," to better account for how it considers the requirements associated with the LCR.

3. LCR Euronext Clearing

Subsection 4.3 describes how LCH SA calculates its LCR with respect to its interoperable CCP, Euronext Clearing. LCH SA uses the Euronext LCR to determine if it has enough liquidity in case of the default of Euronext. As with the LCR for the default of clearing members, in determining the Euronext LCR LCH SA integrates its operational liquidity requirements, as described in subsection 4.1 of the Framework. In doing so, LCH SA will modify the assumptions it uses in calculating its operational liquidity requirements. Specifically, in modelling switches from FTTAs to SPAs, for purposes of the Euronext LCR LCH SA assumes clearing members that have SPAs will switch the maximum amount of collateral allowed, rather than modeling the switch over seven days. LCH SA is making edits to subsection 4.3.5.4 to note this difference in assumption.

Moreover, in subsection 4.3.2, LCH SA is correcting a typo and revising the previous name of the interoperable CCP, "CC&G" to the current name, "Euronext Clearing."

C. Model Performance Testing and Ongoing Monitoring

Section 5 describes how LCH SA conducts ongoing monitoring and testing of its liquidity requirements. Subsection 5.3 describes LCH SA's reverse stress tests. As part of its ongoing monitoring of the Framework, LCH SA performs independent reverse stress tests for certain risk factors that could result in LCH SA not having enough liquidity. One of these independent reverse stress tests considers the effects of downgrades to the ratings of countries that are core and peripheral to the Eurozone. LCH SA assumes that such a situation would lead to an increase in ECB haircuts. As

noted above, an increase to these haircuts decreases the amount of liquidity LCH SA can obtain using the 3G pool. LCH SA is maintaining this scenario but revising some of the associated assumptions, which are described in subsection 5.3.1 (“Independent stress of various risk factors”). LCH SA is noting that the magnitude of the downgrade is based on the maximum simultaneous downgrade over seven days, aggregated per type of debt. After computing the downgraded rating, LCH SA will use the rules defined by the central bank to assign each issuer a haircut category and a haircut step in order to apply the parameter aligned with the updated rating to step 3 (which is considered the most conservative haircut category applied by the ECB before collateral becomes ineligible for pledge). LCH SA notes that, because of the historical measures taken by ECB during stressed periods (e.g., Eurozone crisis) and the high quality of non-cash collateral, the ineligibility of issuers to pledge to the ECB is not considered a plausible scenario. LCH SA is making updates to the description of the macro-economic scenario stress test in subsection 5.3.2.3 to align with the changes in subsection 5.3.1. Moreover, LCH SA is adding a note in 5.3.2.3 that a particular table is for illustrative purposes only.

D. Appendix

Section 6 contains appendices to the Framework that provide further detail on certain operational processes and analyses used in the Framework. They also summarize certain aspects of the Framework and present examples of reports that LCH SA uses to monitor its liquidity. To conform with the changes in the Framework, LCH SA is also making conforming changes to this section.

1. Members Behaviour Analysis

Appendix 2 (subsection 6.2) analyzes the expected behavior of LCH SA’s clearing members during a period of stress, with a focus on how non-defaulting clearing members may act during the default of a clearing member. LCH SA proposes to make updates to Appendix 2 to conform to the changes and assumptions discussed above, such as the assumptions related to withdrawal of excess collateral, switches from liquid resources to non-liquid resources, and switches from FTTAs to SPAs.

2. Reminder of SA’s Sources of Liquidity and Related Risk Drivers

Appendix 3 (subsection 6.3) summarizes LCH SA’s various sources

of liquidity, risks that could reduce the amount of liquidity available from those sources, and the associated scenario or metric related to LCH SA’s use of those sources, like operational or LCR. LCH SA proposes to make changes to Appendix 3 to conform to the changes discussed above. For example, LCH SA is renaming a discussion of withdrawal of excess cash to withdrawal of excess collateral and noting that the withdrawal could be characterized as “partial,” because LCH SA assumes it occurs over seven days.

3. Liquidity Risk Drivers Synthesis by Reports

Appendix 4 (subsection 6.4), titled “Liquidity risk drivers synthesis by reports,” summarizes certain reports that LCH SA uses to monitor its liquidity. LCH SA proposes to make changes to Appendix 4 to conform to the changes discussed above. For example, LCH SA is adding a provision related to switches from FTTAs to SPAs.

4. Liquidity Risk Monitoring Reports

Appendix 5 (subsection 6.5) presents a sample daily liquidity monitoring report. LCH SA is updating Appendix 5 to include a current version of this report, updated for the changes discussed above.

5. Stress Scenarios List

Appendix 7 (subsection 6.7) is a list of the scenarios that LCH SA uses in stress testing its liquidity resources. LCH SA proposes to add language clarifying that the scenario list disclosed is for informational purposes only and represents the list of scenarios at the time of drafting the current version of the Framework. The actual computation of liquidity metrics is dependent on the actual scenarios used to calibrate the default fund for LCH SA’s different services and thus may differ. Moreover, the list in Appendix 7 currently identifies the stress scenarios by name and assigns each stress scenario an identification number. LCH SA is removing the identification numbers, as LCH SA believes they are no longer needed.

E. Operating Model and Main Data Source Used To Run Liquidity Metrics

To address an independent Model Validation recommendation, LCH SA is adding a new section 7 to the Framework. Section 7 is a new appendix that will show a high-level functional workflow regarding the computation of liquidity metrics. The chart will be disclosed for informational purposes only, such that any revision

will be made if LCH SA amends its methodology or the Framework.

F. New Procedure: LCR Metric Compliant With SEC Rules and U.S. Established Practices

To complement the changes to the Framework, LCH SA is also adopting a new procedure. The new procedure describes how LCH SA establishes a LCR for purposes of complying with the Commission’s liquidity requirements.¹⁶ The procedure will detail the resources that LCH SA includes when calculating this LCR, the specific methodology for this LCR, the escalation process for any potential breaches in this LCR, the frequency of LCH SA’s review of this methodology, and the controls in place regarding the calculation and ongoing review of this LCR metric.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.¹⁷ Under the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization [‘SRO’] that proposed the rule change.”¹⁸

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,¹⁹ and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.²⁰ Moreover, “unquestioning reliance” on an SRO’s representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.²¹

After carefully considering the Proposed Rule Change, the Commission

¹⁶ 17 CFR 240.17ad–22(e)(7).

¹⁷ 15 U.S.C. 78s(b)(2)(C).

¹⁸ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Susquehanna Int’l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to LCH SA. More specifically, for the reasons given below, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act,²² Rule 17Ad-22(e)(7)(i), and Rule 17Ad-22(e)(7)(vi)(B).²³

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that LCH SA's rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.²⁴ Based on review of the record, and for the reasons discussed below, LCH SA's changes are consistent with the prompt and accurate clearance and settlement of securities transactions because they improve LCH SA's management of its liquidity risk.

LCH SA relies on the Framework to support its management of liquidity risk arising from a potential Clearing Member default, default of Euronext Clearing, and operational liquidity requirements. Managing such risks, such as through the maintenance of liquid resources sufficient to meet payment obligations, reduces the likelihood that LCH SA would fail to make payments when due, thereby avoiding disruptions to the settlement of transactions for which such payments are due. Thus, the Framework, as a rule of LCH SA, supports the prompt and accurate clearance and settlement of the derivatives transactions LCH SA clears, including security-based swaps.

As described above, LCH SA is amending the Framework to clarify the description of certain sources of liquidity. Specifically, with respect to a cross-currency tri-party repo arrangement that LCH SA can use to obtain Euro cash for non-Euro, non-cash collateral, every year CaLM must demonstrate to LCH SA's Board that the arrangement is highly reliable even in case of extreme but plausible market conditions. Moreover, with respect to collateral that CaLM obtains via repo or reverse repo arrangements, where Clearstream is CSD, the collateral obtained by CaLM is not considered part of LCH SA's liquidity resources. These changes will make the Framework more accurate by clarifying circumstances in

which certain sources should not be counted as part of LCH SA's liquidity resources.

LCH SA also is amending the Framework to clarify details about how it models for the liquidity needs arising from the daily settlement process and how it accounts for non-defaulting members withdrawing excess collateral. Specifically, LCH SA is modifying the previous assumption that 100 percent of excess collateral is withdrawn immediately following a stress event, to more closely align with current empirical clearing member behaviors and with the appropriate liquidity horizon period. LCH SA is also adding to the calculation of operational liquidity requirements the needs arising from switches to non-liquid resources from liquid resources and to SPAs from FTTAs. These changes will make the Framework more accurate, by making LCH SA's assumptions about the withdrawal of excess collateral more closely match how clearing members have withdrawn excess collateral and including additional liquidity needs presented by switches to non-liquid resources and to SPAs.

LCH SA also is amending the Framework to provide additional detail about how it utilizes auto-collateralization to settle transactions in its RepoClear service. As described above, using auto-collateralization and pledging to the 3G pool allows LCH SA to settle transactions where a buyer of securities has failed to perform. LCH SA can obtain cash to settle the transaction while potentially limiting the reduction in its liquidity to the haircut charged at the 3G pool. Describing this process in detail will make the Framework more informative and help establish a consistent process for settling RepoClear transactions using auto-collateralization, when needed.

LCH SA is also enhancing the Framework to better describe aspects of one of its reverse stress tests, correct errors, and update outdated information. These changes, like the other changes discussed above, make the Framework more accurate and clearer, improving the effectiveness of the Framework as a tool supporting LCH SA's management of liquidity risk arising from a potential member default, default of Euronext Clearing, and operational liquidity requirements, which facilitates prompt and accurate clearance and settlement.

Finally, LCH SA is establishing a new procedure to detail how it establishes a LCR that specifically complies with the Commission's liquidity requirements. This new procedure will describe the resources that LCH SA includes when

calculating this LCR, the specific methodology for this LCR, the escalation process for any potential breaches, and the ongoing review of this LCR. This new procedure will help establish a clear and consistent methodology for demonstrating compliance with the Commission's liquidity requirements.

These changes, taken together, would improve LCH SA's ability to determine the amount of its liquidity needs and the amount of its resources to satisfy those liquidity needs. More accurately determining the amount of LCH SA's liquidity needs and resources would thereby improve LCH SA's ability to control and quantify its liquidity risk. Control over and accurate measurement of liquidity risk is necessary to ensure that LCH SA's liquidity needs do not exceed its resources so that LCH SA can meet its payment obligations on time without disrupting settlement. Thus, the proposed changes to the Framework promote prompt and accurate clearance and settlement.

Based on the foregoing, the Proposed Rule Change is consistent with the requirements of Sections 17A(b)(3)(F) of the Act.²⁵

B. Consistency With Rules 17Ad-22(e)(7)(i) and 17Ad-22(e)(7)(vi)(B) Under the Act

Rules 17Ad-22(e)(7)(i) and (e)(7)(vi)(B) require LCH SA to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by LCH SA, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by, at a minimum:

- maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions;²⁶ and
- determining the amount and regularly testing the sufficiency of the liquid resources held for purposes of meeting the minimum liquid resource requirement under 17Ad-22(e)(7)(i) by, at a minimum, conducting a

²² 15 U.S.C. 78q-1(b)(3)(F).

²³ 17 CFR 240.17ad-22(e)(7)(i) and 17 CFR 240.17ad-22(e)(7)(vi)(B).

²⁴ 15 U.S.C. 78q-1(b)(3)(F).

²⁵ *Id.*

²⁶ 17 CFR 240.17ad-22(e)(7)(1).

comprehensive analysis on at least a monthly basis of the existing stress testing scenarios, models, and underlying parameters and assumptions used in evaluating liquidity needs and resources, and considering modifications to ensure they are appropriate for determining the LCH SA's identified liquidity needs and resources in light of current and evolving market conditions.²⁷

As discussed above, LCH SA is proposing to clarify certain aspects of the Framework, such as when certain potential sources are included in its liquidity resources, the extent of certain liquidity needs, and how it uses auto-collateralization to settle transactions in its RepoClear business line. LCH SA is also adding, as operational liquidity requirements, the needs arising from switches to non-liquid resources from liquid resources and to SPAs from FTTAs. LCH SA is also modifying how it assumes non-defaulting clearing members withdraw excess collateral. Finally, LCH SA is adding a new procedure to describe the methodology it uses for demonstrating compliance with the Commission's liquidity requirements. These changes will improve the Framework by more accurately determining the amount of LCH SA's liquidity needs and resources. In doing so, the Proposed Rule Change will help ensure that the Framework is designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by LCH SA and that LCH SA maintains sufficient liquid resources consistent with Rule 17Ad-22(e)(7)(i).²⁸

As also discussed above, LCH SA will monitor daily the assumptions related to certain of its liquid needs. Specifically, LCH SA will monitor daily the assumptions related to how it models the withdrawal of excess collateral, switches from liquid to non-liquid resources, margin reduction rate, and switches from FTTAs to SPAs. Moreover, LCH SA will monitor and report daily the specific LCR that it uses to demonstrate compliance with the Commission's liquidity requirements. These changes will help ensure that LCH SA conducts comprehensive analysis on at least a monthly basis of the underlying parameters and assumptions used in evaluating its liquidity needs consistent with Rule 17Ad-22(e)(7)(vi)(B).²⁹

Based on the foregoing, the Proposed Rule Change is consistent with the

requirements of Rules 17Ad-22(e)(7)(i) and (e)(7)(vi)(B) under the Act.³⁰

IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, Section 17A(b)(3)(A) of the Act³¹ and Rules 17Ad-22(e)(7)(i) and (e)(7)(vi)(B) under the Act.³²

It is therefore ordered pursuant to Section 19(b)(2) of the Act that the Proposed Rule Change (SR-LCH SA-2025-003) be, and hereby is, approved.³³

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.³⁴

Stephanie Fouse,
Assistant Secretary.

[FR Doc. 2025-10445 Filed 6-9-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103193; File No. SR-NYSEAMER-2025-29]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule To Increase the Amount of Certain CUBE Auction Credits

June 4, 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 June 2, 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.

³⁰ 17 CFR 240.17ad-22(e)(7)(i) and (e)(7)(vi)(B).

³¹ 15 U.S.C. 78q-1(b)(3)(A).

³² 17 CFR 240.17ad-22(e)(7)(i) and (e)(7)(vi)(B).

³³ In approving the Proposed Rule Change, the Commission considered the proposal's impacts on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

³⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule ("Fee Schedule") to modify pricing for the Single-Leg and Complex Customer Best Execution ("CUBE") Auction. The Exchange proposes to implement the fee change effective June 2, 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 modify the Fee Schedule to modify pricing for Single-Leg and Complex CUBE Auctions as set forth in Section I.G (CUBE Auction Fees & Credits).⁴

The Exchange offers "Initiating Participant" credits and rebates to ATP Holders that submit "CUBE Orders" to its CUBE Auctions that are designed to encourage participation in the Auction.⁵ In particular, the Exchange offers certain Initiating Participant Rebates, including (but not limited to) the American Customer Engagement ("ACE") Initiating Participant Rebates (each an "ACE Rebate"), which are available to ACE participants that initiate a Single-Leg or Complex CUBE Auction⁶ and the

⁴ See generally Rules 971.1NYP and 971.2NYP (describing the Single-Leg and Complex CUBE Auction, which is the Exchange's electronic crossing mechanism with a price improvement auction).

⁵ See Fee Schedule Section I.G (CUBE Auction Fees & Credits) (describing pricing and incentives for CUBE Auctions).

⁶ The ACE Program has five tiers and offers increasing per contract credits based on, and applied to, certain Electronic Customer volume executed on the Exchange. See Fee Schedule Sections I.E. (American Customer Engagement ("ACE") Program).

²⁷ 17 CFR 240.17ad-22(e)(7)(vi)(B).

²⁸ 17 CFR 240.17ad-22(e)(7)(i).

²⁹ 17 CFR 240.17ad-22(e)(7)(vi)(B).

Alternative Initiating Participant Rebate (the “Alternative Rebate”), which is available to all ATP Holders that initiate a Complex CUBE Auction.

For the Single-Leg CUBE Auction, the Exchange offers two ACE Rebates (tied to the ACE tier achieved) that are applied to the first 5,000 contracts executed in a CUBE Auction. The Exchange offers a (\$0.05) per contract for ATP Holders that achieve ACE Tiers 1, 2, or 3 and a (\$0.12) per contract for those that achieve ACE Tiers 4 or 5.⁷ For the Complex CUBE Auction, the Exchange offers a (\$0.10) per contract ACE Rebate (regardless of ACE tier achieved) and a (\$0.10) per contract Alternative Rebate, each of which are applied to the first 1,000 contracts per leg of a Complex CUBE Order executed in a Complex CUBE Auction.⁸

The Exchange proposes to increase certain of these Initiating Participant rebates to encourage ATP Holders to direct additional CUBE volume to the Exchange. For the Single-Leg CUBE Auction, the Exchange proposes to increase the ACE Rebate for participants that achieve ACE Tier 1, 2, or 3 from (\$0.05) to (\$0.12) per contract.⁹ For the Complex CUBE Auction, the Exchange proposes to increase both the ACE Rebate and the Alternative Rebate from (\$0.10) to (\$0.12) per contract.¹⁰ As is the case today, both the ACE Rebates and the Alternative Rebate are payable in addition to any Initiating Participant credits offered for participation in CUBE Auctions and ATP Holders that qualify for more than one rebate would be entitled only to the greater of the two rebates.¹¹

Although the Exchange cannot predict with certainty whether the proposed Rebates will continue to encourage ATP Holders to initiate CUBE Auctions (or participate in the ACE Program), all market participants stand to benefit from increased liquidity and opportunities for price improvement. Increased order flow promotes market depth, facilitates tighter spreads and enhances price discovery, which

enhances market quality for all participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹² in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹³ 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.

In particular, the proposed rebates 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 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.”¹⁴

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.¹⁵ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in April 2025, the Exchange had 6.43% market share of executed volume of multiply-listed equity & ETF options trades.¹⁶ 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.

In response to these competitive forces and as discussed herein, the Exchange has established various pricing incentives regarding its CUBE Auctions, including (but not limited to) the ACE Rebates and the Alternative Rebate, to encourage ATP Holders to utilize the Auction and to direct (increased) volume to the Exchange.

The Exchange believes the proposed rebates are reasonable, equitable, and not unfairly discriminatory. First, the proposed changes do not alter an ATP Holder’s ability to qualify for existing Initiating Participant credits or rebates that are not being altered by this proposal. In addition, this proposal does not modify the qualification basis to achieve any of the proposed rebates but instead increases the per contract amount that an ATP Holder may achieve. Therefore, the proposed rebates should not impact the ability of ATP Holders that previously qualified for the ACE Rebates or the Alternative Rebate to continue to do so. Furthermore, the proposed increases in the ACE Rebates should incent ATP Holders that participate in the ACE Program to continue to initiate CUBE Auctions. Similarly, for non-ACE participants that qualify for the Alternative Rebate, the proposed increase should continue to incent ATP Holders to (continue to) initiate Complex CUBE Auctions. To the extent the proposed rebates increase the amount of order flow directed to the Exchange, this increased liquidity will promote market depth and enhance market quality to the benefit of all market participants.

The Exchange believes that the proposed rebates represents [sic] an equitable allocation of credits/rebates and are not unfairly discriminatory because they are based on the amount and type of business transacted on the Exchange. ATP Holders are not obligated to participate in CUBE Auctions or the ACE Program. In addition, the proposed rebates will apply equally to all similarly-situated ATP Holders. Like other pricing incentives, the proposed rebates are designed to encourage market participants to utilize the Exchange as a primary trading venue (if they have not done so previously) and increase volume sent to the Exchange, including CUBE Auction and Customer volume.

⁷ See Fee Schedule Section I.G (CUBE Auction Fees & Credits, Single-Leg CUBE Auction), n. 2.

⁸ See Fee Schedule Section I.G (CUBE Auction Fees & Credits, Complex CUBE Auction), n. 2. To be eligible for the Alternative Rebate, ATP Holders must [sic] certain monthly volume qualifications. See *id.*

⁹ See proposed Fee Schedule Section I.G (CUBE Auction Fees & Credits, Single-Leg CUBE Auction). The ACE Rebate for participants that achieve ACE Tiers 4 or 5 is not being altered and will remain at (\$0.12) per contract. See *id.*

¹⁰ See proposed Fee Schedule Section I.G (CUBE Auction Fees & Credits, Single-Leg CUBE Auction).

¹¹ See Fee Schedule Section I.G (CUBE Auction Fees & Credits, Single-Leg CUBE Auction, at n. 3 [sic] and Complex CUBE Auction, at n. 2).

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4) and (5).

¹⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (“Reg NMS Adopting Release”).

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 8.50% for the month of April 2024 to 6.43% for the month of April 2025.

To the extent that the proposed (increased) rebates attract more CUBE volume 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 rebates will 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, to protect investors and the public interest.

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 continue to 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 changes further 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."¹⁷

Intramarket Competition

The Exchange believes that the proposed rebates do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as they will apply equally to all similarly-situated ATP Holders and be based on the amount and type of business transacted on the Exchange. ATP Holders are not obligated to participate in CUBE Auctions or to avail themselves of the proposed rebates. The proposed rebates will not adversely impact any ATP Holder's ability to qualify for existing pricing incentives related to initiating CUBE Auctions as this proposal does not alter (nor impact

the availability of) existing Initiating Participant credits and rebates. Further, the qualification bases to achieve the increased rebates will remain the same.

This proposal is designed to encourage participants to utilize the Exchange as a primary trading venue (if they have not done so previously), particularly to initiate CUBE Auctions. As such, the Exchange believes this proposal will help promote competition by providing incentives for market participants to continue to submit CUBE Orders (*i.e.*, Customer order flow) to the Exchange and thus, create a greater opportunity for Customers to receive additional price improvement and access greater liquidity.

Intermarket Competition

The Exchange operates in a highly competitive market in which market participants can readily favor one of the other 17 competing option 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.¹⁸ Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in April 2025, the Exchange had 6.43% market share of executed volume of multiply-listed equity & ETF options trades.¹⁹

The Exchange believes that the proposed rule change reflects this competitive environment as it designed to encourage ATP Holders to direct trading interest to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

¹⁸ 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>.

¹⁹ 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 8.50% for the month of April 2024 to 6.43% for the month of April 2025.

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)²⁰ of the Act and subparagraph (f)(2) of Rule 19b-4²¹ 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)²² 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-2025-29 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-2025-29. 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

²⁰ 15 U.S.C. 78s(b)(3)(A).

²¹ 17 CFR 240.19b-4(f)(2).

²² 15 U.S.C. 78s(b)(2)(B).

¹⁷ See Reg NMS Adopting Release, *supra* note 13, at 37499.

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-2025-29 and should be submitted on or before June 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

Stephanie Fouse,
Assistant Secretary.

[FR Doc. 2025-10449 Filed 6-9-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103190; File No. SR-NYSEAMER-2025-30]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE American Company Guide To Specify That the Exchange Will Immediately Suspend Trading in Any SPAC That Becomes Subject to Delisting for Failure To Complete a Business Combination Within the Required Period

June 4, 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 June 3, 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 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 Section 119 of the NYSE American LLC Company Guide ("Guide") to specify that the Exchange will immediately suspend trading in any special purpose acquisition company ("SPAC") listed under Section 119 that becomes subject to delisting under the provision of Section 119(b) requiring that, within 36 months of the effectiveness of its initial public offering registration statement, or such shorter period that the company specifies in its registration statement, the SPAC must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account (excluding any deferred underwriter's fees and taxes payable on the income earned on the deposit account) at the time of the agreement to enter into the initial combination. The Exchange also proposes to adopt proposed new Section 1003(j) of the Guide to specify that delisting provisions specific to companies listed under Section 119 can be found in Section 119(f). 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

Section 119 of the Guide sets forth the requirements for listing of a SPAC on the Exchange. Among these requirements, Section 119(b) provides that, within 36 months of the effectiveness of its initial public offering registration statement, or such shorter period that the company specifies in its registration statement, the SPAC must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account (excluding any deferred underwriter's fees and taxes payable on the income earned on the deposit account) at the time of the agreement to enter into the initial combination. Section 119(f) provides that if a listed SPAC does not meet one of the requirements set forth in Section 119, the Exchange shall commence delisting proceedings under Section 1010 to delist the company's securities and that such SPAC shall not be eligible to follow the procedures to cure deficiencies outlined in Section 1009 of the Guide.

While Section 119(f) currently provides that a SPAC that exceeds the maximum period provided under Section 119(b) is subject to delisting, the rule does not currently address whether any SPAC that is noncompliant with Section 119(b) is subject to immediate suspension or will be allowed to trade during the pendency of any appeal of the delisting determination. The Exchange now proposes to amend Section 119(f) to provide that any company that exceeds the time period set forth in Section 119(b) to complete the required business combination will be subject to immediate suspension of trading in connection with the delisting action required under Section 119(f) and such company's securities will not be traded on the Exchange during the pendency of any appeal of such delisting action. In adopting rules for the listing of SPACs, the Exchange believed that the adoption of a maximum life of 36 months provided a significant protection to investors and consequently believes that it is inappropriate to continue to provide a listing venue for a SPAC that has exceeded that time limit. The Exchange notes that the proposed amendment is consistent with the Exchange's current practice of immediately suspending trading when a SPAC is subject to delisting in these circumstances.

²³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

The provisions with respect to delisting are generally set forth in Section 1003 of the Guide. Section 1003 does not currently include any reference to delisting provisions specific to listed SPACs. Consequently, to provide greater clarity, the Exchange also proposes to adopt proposed new Section 1003(j) of the Guide to specify that delisting provisions specific to companies listed under Section 119 can be found in Section 119(f).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Section 6(b)(5) of the Act⁵ in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to 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. Specifically, the Exchange believes that the proposal to amend Section 119(f) to provide that the Exchange will immediately suspend trading in the listed securities of a SPAC when such SPAC has failed to consummate a business combination within 36 months of the effectiveness of its IPO registration statement or such shorter period that the company specifies in its registration statement is designed to protect investors and the public interest. In particular, this change will prevent continued trading in such company's securities on the Exchange pending any appeal of the delisting determination to a Panel of the Exchange's Committee for Review until such Panel reviews the delisting determination and determines that continued trading on the Exchange is appropriate.

In addition, the Exchange believes that the proposed rule change is consistent with Section 6(b)(7) of the Act, which requires, among other things, that the rules of a national securities exchange provide a fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange, because following the proposed change a listed SPAC would be able to request a review of the delisting determination by a Panel of the Exchange's Committee for Review and because the Panel will have the

authority to reverse a delisting decision where the Panel determines that the delisting determination was in error.

Proposed new Section 1003(j) of the Guide simply provides greater clarity without making any substantive change by specifying that delisting provisions specific to companies listed under Section 119 can be found in Section 119(f).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule would be applied equally to all listed SPACs. In addition, the proposed rule change will align the process for suspension and delisting of a SPAC in the circumstances described above with those of the New York Stock Exchange LLC ("NYSE") and the Nasdaq Stock Market ("NASDAQ").⁶

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

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 Act⁷ and Rule 19b-4(f)(6) thereunder.⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEAMER-2025-30 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-2025-30. 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

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ See Section 802.01B of the NYSE Listed Company Manual ("Manual") and Nasdaq Stock Market Rule 5815. See also Exchange Act Release No. 100538 (July 15, 2024), 89 FR 58807 (July 19, 2024) (SR-NASDAQ-2024-038).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

SR–NYSEAMER–2025–30 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Stephanie Fouse,
Assistant Secretary.

[FR Doc. 2025–10446 Filed 6–9–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103191; File No. SR–CboeBZX–2025–074]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Applicable to Securities Listed on the Exchange, Which Are Set Forth in BZX Rule 14.13

June 4, 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 June 2, 2025, Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a 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

Cboe BZX Exchange, Inc. is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to amend the fees applicable to securities listed on the Exchange, which are set forth in BZX Rule 14.13. Specifically, the Exchange proposes to adopt an entry fee and annual fee applicable to Closed-End Funds listed on the Exchange. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange.³ Closed-end management investment companies registered under the Investment Company Act of 1940 (“Closed-End Funds”) are listed on the Exchange pursuant to Rule 14.8, which provides for the general listing requirements for Tier I securities. While the Exchange currently has in place listing fees for Tier I securities on the Exchange, the Exchange now proposes to adopt specified pricing under Rule 14.13, entitled “Company Listing Fees”, for Closed-End Funds listed on the Exchange.

First, the Exchange proposes to amend Rule 14.13(b)(1)(A)(iii) to provide that the application fees set forth in Rule 14.13(b)(1)(A)(i) and (ii) shall not be applicable to Closed-End Funds. Therefore, as proposed Rule 14.13(b)(1)(A)(iii) would state that the fees described in this Rule 14.13(b)(1)(A)(i) and (ii) shall not be applicable to Closed-End Funds, as defined in Rule 14.8(a), or Additional Listings, as described in Rule 14.13(b)(1)(B)(iv).

Next, the Exchange proposes to amend Rule 14.13(b)(1)(B) to provide for entry fees applicable to Closed-End Funds. Specifically, the Exchange proposes to adopt Rule 14.13(b)(1)(B)(vi) which would provide that the issuer of each class of securities (not otherwise identified in this Rule) that is a domestic or foreign issue listed on the Exchange as a Closed-End Fund shall pay to the Exchange an entry fee of

\$10,000 per Closed-End Fund.⁴ The Exchange also proposes to adopt an “Additional Listings” entry fee specific to Closed-End Funds. Accordingly, the Exchange proposes to provide the Additional Listings fee applicable to Tier I and Tier II securities listed on the Exchange under proposed Rule 14.13(b)(1)(B)(iv)(a) with no substantive change. The Exchange proposes to adopt Rule 14.13(b)(1)(B)(iv)(b) which would provide that the issuer of each class of securities (not otherwise identified in this Rule) that is a domestic or foreign issue listed on the Exchange as a Closed-End Fund shall pay an entry fee of \$2,500 per Additional Listing.

Last, the Exchange proposes to amend Rule 14.13(b)(2) to provide for annual fees applicable to Closed-End Funds. Specifically, the Exchange proposes to adopt Rule 14.13(b)(2)(L) which would provide that the issuer of each class of securities (not otherwise identified in this Rule) that is a domestic or foreign issue listed on the Exchange as a Closed-End Fund shall pay to the Exchange an annual fee of \$12,500. Upon initial listing on the Exchange, the annual fee will be prorated based on the number of trading days remaining in the year. The Exchange also proposes to adopt Rule 14.13(b)(2)(M) which would provide that the issuer of each class of securities (not otherwise identified in this Rule) that is a domestic or foreign issue listed on the Exchange as an Additional Listing of a Closed-End Fund shall pay to the Exchange an annual fee of \$2,500 per Additional Listing. Upon initial listing on the Exchange, the annual fee applicable to such Additional Listing will be prorated based on the number of trading days remaining in the year.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

⁴ The Exchange proposes no change to Exchange Rule 14.13(b)(1)(D), which would continue to apply to Closed-End Funds listed on the Exchange. Exchange Rule 14.13(b)(1)(D) states: The fees described in this Rule 14.13(b)(1) shall not be applicable with respect to any securities that: (i) are listed on another national securities exchange but not listed on the Exchange, if the issuer of such securities transfers their listing exclusively to the Exchange; (ii) are listed on another national securities exchange and the Exchange, if the issuer of such securities ceases to maintain their listing on the other exchange and the securities instead are designated as national market system securities under Rule 14.3(d); or (iii) are listed on another national securities exchange but not listed on the Exchange, if the issuer of such securities is acquired by an unlisted company and, in connection with the acquisition, the unlisted company lists exclusively on the Exchange.

⁹ 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. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011).

Section 6(b) of the Act.⁵ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)⁷ as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes that the proposed amendments to Rules 14.13(b)(1) and (2) that would apply no application fee and implement entry fees and annual fees specifically for Closed-End Funds on the Exchange is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would apply equally for all issuers and all Closed-End Funds. As discussed above, Closed-End Funds are listed on the Exchange pursuant to Exchange Rule 14.8 and are currently subject to the fees applicable Tier I securities provided under Exchange Rule 14.13. Accordingly, the current applicable application fee for new Closed-End Fund listing on the Exchange ranges from \$25,000 up to \$50,000, the entry fee is \$100,000 less the application fee, the Additional Listing fee is \$10,000 per additional listing, and the annual fee is \$35,000. Therefore, the proposed fees specifically applicable to Closed-End Funds are significantly less than the existing applicable fees. Furthermore, the proposed fees applicable to Closed-End Funds are significantly less than applicable fees on another exchange.⁸

The marketplace for listings is extremely competitive and there are several other national securities exchanges that offer Closed-End Fund listings. Transfers between listing venues occur frequently for numerous reasons, including listing fees. The proposed rule change reflects a competitive pricing structure, which the Exchange believes will enhance competition both among Closed-End Fund issuers and listing venues, to the benefit of investors.

Based on the foregoing, the Exchange believes that the proposed rule changes are consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed fee does not burden competition, but instead, enhances competition, as it is intended to reduce the cost of listing Closed-End Funds on the Exchange in order to better compete. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for rule filings that better reflects the revenue and expenses associated with listing Closed-End Funds on the Exchange. The Exchange does not believe the proposed amendment would burden intramarket competition as the proposed fee would be assessed to all issuers of Closed-End Funds uniformly.

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 Act⁹ and paragraph (f) of Rule 19b-4¹⁰ 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-CboeBZX-2025-074 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-074. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-074 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Stephanie Fouse,

Assistant Secretary.

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⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78f(b)(4).

⁸ See New York Stock Exchange ("NYSE")

Schedule of Fees and Charges for Exchange Services as of January 10, 2024 at Microsoft Word—NYSE Arca E listing fees 1-10-24.docx.

⁹ 15 U.S.C. 78s(b)(3)(A).

¹⁰ 17 CFR 240.19b-4(f).

¹¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103188; File No. SR–CboeBZX–2025–076]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Adopt Rule 14.11(n) To Permit the Generic Listing and Trading of Multi-Class Exchange-Traded Fund (“ETF”)

June 4, 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 June 2, 2025, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) 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

Cboe BZX Exchange, Inc. (“BZX” or the “Exchange”) is filing with the Securities and Exchange Commission (“Commission” or “SEC”) a proposed rule change to adopt Rule 14.11(n) to permit the generic listing and trading of Multi-Class Exchange-Traded Fund (“ETF”) Shares that comply with the requirements of Rule 6c–11 under the Investment Company Act of 1940 (the “Investment Company Act”) and are eligible to operate in reliance on exemptive relief from certain requirements of the Investment Company Act of 1940 and the rules and regulations thereunder that permit the trust issuing the Multi-Class ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded. The Exchange is also proposing to make conforming changes to the Exchange’s definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Multi-Class ETF Shares. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt new Rule 14.11(n) for the purpose of permitting the generic listing and trading, or trading pursuant to unlisted trading privileges, of Multi-Class Exchange-Traded Fund (“ETF”) Shares that comply with the requirements of Rule 6c–11 under the Investment Company Act of 1940 (the “Investment Company Act”), and are eligible to operate in reliance on exemptive relief from certain requirements of the Investment Company Act and the rules and regulations thereunder that permit the trust issuing the Multi-Class ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded of an open-end fund.³ The Exchange is also proposing to make conforming changes to the Exchange’s definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Multi-Class ETF Shares.

Consistent with ETF Shares listed under the generic listing standards in Rule 14.11(l), series of Multi-Class ETF Shares that comply with the requirements of Rule 6c–11 under the Investment Company Act, and are eligible to operate in reliance on exemptive relief from certain requirements of the Investment Company Act and the rules and

regulations thereunder that permit the trust issuing the Multi-Class ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded of an open-end fund would be permitted to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act.⁴

Background

There are numerous applications for exemptive relief for Multi-Class ETF Shares currently before the Commission⁵ that request exemptive relief similar to that previously granted to other funds that are not listed on the Exchange.⁶ This proposal would provide for the “generic” listing and/or trading of Multi-Class ETF Shares under proposed Rule 14.11(n) on the Exchange immediately upon the Commission’s applicable order granting exemptive relief to the outstanding applications. The Exchange submits this proposal only to prevent any unnecessary delay in listing additional Multi-Class ETF Shares generically under Rule 14.11(n) when and if such requests are granted by the Commission.

Starting in 2000, the Commission began granting limited relief for The Vanguard Group, Inc. (“Vanguard”) to offer certain index-based open-end management investment companies

⁴ Rule 19b–4(e)(1) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (“SRO”) is not deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO’s trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. As contemplated by this Rule 14.11(n), the Exchange proposes new Rule 14.11(n) to establish generic listing standards for Multi-Class ETFs that are permitted to operate in reliance on exemptive relief to Rule 6c–11 under the Investment Company Act that permits the trust issuing the Multi-Class ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded of an open-end fund. A Multi-Class ETF listed under proposed Rule 14.11(n) would therefore not need a separate proposed rule change pursuant to Rule 19b–4 before it can be listed and traded on the Exchange.

⁵ See Perpetual US Services, LLC (filed February 7, 2023); DFA Investment Dimensions Group Inc. and Dimensional Investment Group Inc. (filed July 12, 2023); F/m Investments LLC (August 22, 2023); Fidelity Hastings Street Trust and Fidelity Management & Research Company (filed October 24, 2023); Morgan Stanley Institutional Fund Trust and Morgan Stanley Investment Management Inc. (filed January 29, 2024); First Trust Series Fund and First Trust Variable Insurance Trust (filed January 24, 2024); Guinness Atkinson Funds (filed February 27, 2024); and Metropolitan West Funds, TCW ETF Trust, and TCW Funds, Inc. (filed March 20, 2024).

⁶ *Infra* note 6 [sic].

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ The Exchange notes that it had previously submitted a version of this filing on April 15, 2024. See Securities Exchange Act Release No. 34–100034 (May 1, 2024) 89 FR 35255 (SR–CboeBZX–2024–026). On November 8, 2024, that filing was withdrawn and the Exchange submitted another filing. See Securities Exchange Act Release No. 101655 (November 25, 2024) 89 FR 92989 (SR–CboeBZX–2024–112). On June 2, 2025, the Exchange withdrew that filing and submitted this proposal.

with Multi-Class ETF Shares.⁷ After this relief was granted, there was limited public discourse about Multi-Class ETF Shares until 2019, when the prospect of providing blanket exemptive relief to Multi-Class ETF Shares was addressed in the Commission's adoption of Rule 6c-11 under the Investment Company Act (the "ETF Rule").⁸ The ETF Rule permits ETFs that satisfy certain conditions to operate without the expense or delay of obtaining an exemptive order. However, the ETF Rule did not provide blanket exemptive relief to allow for Multi-Class ETF Shares as part of the final rule. Instead, the Commission concluded that Multi-Class ETF Shares should request relief through the exemptive application process so that the Commission may assess all relevant policy considerations in the context of the facts and circumstances of particular applicants. The Exchange adopted Rule 14.11(l)⁹ shortly after the implementation of the ETF Rule and, because there were no exemptive applications before the Commission and because none of the Multi-Class ETF Shares that were previously granted exemptive relief listed on the Exchange, did not propose to include any language comparable to what is being proposed herein.

As noted above, a number of applications for exemptive relief to permit the applicable fund to offer Multi-Class ETF Shares (the "Applications") have been submitted to the Commission starting in early 2023 by various applicants (the

"Applicants"). In general, the Applications state that the ability of a fund to offer Multi-Class ETF Shares, *i.e.*, both a class of mutual fund shares (each such class, a "Mutual Fund class" and such shares "Mutual Fund Shares") and ETF Shares, could be beneficial to the fund and to shareholders of each type of class for various reasons, including more efficient portfolio management, better secondary market trading opportunities, and cost efficiencies, among others.¹⁰

The Exchange acknowledges that approval of this proposed rule change would not necessarily result in the listing and trading of the additional Multi-Class ETF Shares under the proposed Rule until and unless the necessary relief was granted by the Division of Investment Management, but

¹⁰ Specifically, the Applicants believe that a Mutual Fund class would benefit ETF class shareholders because investor cash flows through a Mutual Fund class can be used for efficient portfolio rebalancing. To the extent that cash flows come into a fund through a Mutual Fund class, a portfolio manager may be able to deploy that cash strategically to rebalance the portfolio. Second, cash flows through a Mutual Fund class may allow for greater creation basket flexibility for creations and redemptions through the ETF class, which could promote arbitrage efficiency and smaller spreads on the trading of ETF Shares in the secondary market. With respect to existing funds, ETF classes would permit investors that prefer the ETF structure to gain access to established funds' investment strategies. Additionally, the establishment of an ETF class as part of an existing fund could lead to cost efficiencies. Specifically, in terms of fund expenses, an ETF class could have initial and ongoing advantages for its shareholders, where shareholders of an ETF class of a fund that already has substantial assets could immediately benefit from economies of scale. Finally, the tax-free conversion of shares from the Mutual Fund class to the ETF class may accelerate the development of an ETF shareholder base. Subsequent secondary market transactions by the ETF class shareholders could generate greater trading volume, resulting in lower trading spreads and/or premiums or discounts in the market prices of the ETF Shares to the benefit of ETF shareholders. The Applicants also believe that an ETF class would benefit Mutual Fund class shareholders because in-kind transactions through the ETF class may contribute to lower portfolio transaction costs and greater tax efficiency. Additionally, the conversion feature could allow Mutual Fund shareholders to convert Mutual Fund Shares for ETF Shares without adverse consequences to the Fund by allowing Mutual Fund shareholders to convert their shares into the ETF class of the same fund rather than redeeming their Mutual Fund Shares and buying shares of another ETF. In doing so, the converting shareholder could save on transaction costs and potential tax consequences that may otherwise be incurred in redeeming their existing shares and buying separate ETF Shares. The ETF class would also represent an additional distribution channel for a fund that could lead to additional asset growth and economies of scale; greater assets under management may lead to additional cost efficiencies and an improved tax profile for the fund may also assist the competitive position of the Fund for attracting prospective shareholders. Last, the class of ETF Shares could allow certain investors to engage in more frequent trading without disrupting the fund's portfolio.

approving this proposal would address any potential concerns the Commission's division of Trading and Markets might have as it specifically relates to the listing and trading of Multi-Class ETF Shares under proposed Rule 14.11(n) and would allow for a smooth launch process if and when such relief is granted.¹¹

Proposal

Proposed Rule 14.11(n)(1) provides that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, the shares of Multi-Class ETF Shares that meet the criteria of this Rule 14.11(n).¹²

Proposed Rule 14.11(n)(2) provides that the proposed rule would be applicable only to Multi-Class ETF Shares, and specifically, only to the class of Multi-Class ETF Shares that are exchange traded. Except to the extent inconsistent with this Rule 14.11(n), or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such

¹¹ The Commission has in some instances historically approved Exchange listing rules even when no products would necessarily be permitted to list under those rules. Most recently, the Commission approved Exchange proposals to list and trade shares of ether-based exchange-traded products ("ETPs") prior to any such products having an effective registration statement. As those ether-based ETPs could not trade on the Exchange without an effective registration statement, which were separately considered by the Commission's division of corporate finance, the Exchange could not list and trade those products even with proper Exchange Rules in place. The Exchange believes this example illustrates the reasonability of the Exchange pursuing the adoption a proposed Rule that would not immediately result in the listing and trading of the applicable products thereunder. *See* Securities Exchange Act No. 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

¹² To the extent that a series of Multi-Class ETF Shares does not satisfy one or more of the criteria in proposed Rule 14.11(n), the Exchange may file a separate proposal under Section 19(b) of the Act in order to list such series on the Exchange. Consistent with Rule 14.11(a), any of the statements or representations in that proposal regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list such series of Multi-Class ETF Shares shall constitute continued listing requirements for the series of Multi-Class ETF Shares. Further, in the event that a series of Multi-Class ETF Shares becomes listed under proposed Rule 14.11(n) and subsequently can no longer rely on the applicable exemptive relief to Rule 6c-11, such series of Multi-Class ETF Shares may be listed as a series of Index Fund Shares under Rule 14.11(c) or Managed Fund Shares under Rule 14.11(i), as applicable, as long as the series of Multi-Class ETF Shares meets all listing requirements applicable under the applicable rule.

⁷ *See* Vanguard Index Funds, Investment Company Act Release Nos. 24680 (Oct. 6, 2000) (notice) and 24789 (Dec. 12, 2000) (order). The Commission itself, as opposed to the Commission staff acting under delegated authority, considered the original Vanguard application and determined that the relief was appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In the process of granting the order, the Commission also considered and denied a hearing request on the original application, as reflected in the final Commission order. *See also* the Vanguard Group, Inc., Investment Company Act Release Nos. 26282 (Dec. 2, 2003) (notice) and 26317 (Dec. 30, 2003) (order); Vanguard International Equity Index Funds, Investment Company Act Release Nos. 26246 (Nov. 3, 2003) (notice) and 26281 (Dec. 1, 2003) (order); Vanguard Bond Index Funds, Investment Company Act Release Nos. 27750 (Mar. 9, 2007) (notice) and 27773 (April 2, 2007) (order) (collectively referred to as the "Vanguard Orders").

⁸ *See* Securities Exchange Act Release No. 33-10695 (October 24, 2019) 84 FR 57162 (the "ETF Rule Adopting Release").

⁹ *See* Securities Exchange Act No. 88566 (April 6, 2020) 85 FR 20312 (April 10, 2020) (SR-ChoeBZX-2019-097) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Adopt BZX Rule 14.11(l) Governing the Listing and Trading of Exchange-Traded Fund Shares).

securities. Multi-Class ETF Shares are included within the definition of “security” or “securities” as such terms are used in the Rules of the Exchange.

Proposed Rule 14.11(n)(2) further provides that: (A) transactions in Multi-Class ETF Shares will occur throughout the Exchange’s trading hours; and (B) the Exchange will implement and maintain written surveillance procedures for Multi-Class ETF Shares.

Proposed Rule 14.11(n)(3)(A) provides that the term “Multi-Class ETF Shares” shall mean the class of exchange-traded shares issued by a Multi-Class ETF.

Proposed Rule 14.11(n)(3)(B) provides that the term “Multi-Class ETF” means a fund that is subject to the same relief and constraints as exchange-traded funds under Rule 6c–11 under the Investment Company Act except that the security is issued by a trust that issues Multi-Class ETF Shares in addition to classes of shares of an open-end fund that are not exchange-traded.

Proposed Rule 14.11(n)(3)(C) provides that the term “Reporting Authority” in respect of a particular series of Multi-Class ETF Shares means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Multi-Class ETF Shares (if the Exchange is trading such series pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such series, including, but not limited to, the amount of any dividend equivalent payment or cash distribution to holders of Multi-Class ETF Shares, net asset value, index or portfolio value, the current value of the portfolio of securities required in connection with issuance of Multi-Class ETF Shares, or other information relating to the issuance, redemption or trading of Multi-Class ETF Shares. A series of Multi-Class ETF Shares may have more than one Reporting Authority, each having different functions.

Proposed Rule 14.11(n)(4) provides that the Exchange may approve a series of Multi-Class ETF Shares for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b–4(e) under the Act, provided such series of Multi-Class ETF Shares complies with the requirements of Rule 6c–11 under the Investment Company Act, and is eligible to operate in reliance on exemptive relief from certain requirements of the Investment Company Act and the rules and regulations thereunder that permits the fund to offer Multi-Class ETF Shares, and must satisfy the requirements of

this Rule 14.11(n) on an initial and continued listing basis.

Proposed Rule 14.11(n)(4)(A) provides that the requirements of paragraph (4) of this Rule must be satisfied by a series of Multi-Class ETF Shares on an initial and continued listing basis. Such securities must also satisfy the following criteria on an initial and, except for paragraph (i) below, continued, listing basis. Further, proposed Rule 14.11(n)(4)(A) provides that: (i) for each series, the Exchange will establish a minimum number of Multi-Class ETF Shares required to be outstanding at the time of commencement of trading on the Exchange; (ii) if an index underlying a series of Multi-Class ETF Shares is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser shall erect and maintain a “fire wall” around the personnel who have access to information concerning changes and adjustments to the index and the index shall be calculated by a third party who is not a broker-dealer or fund adviser. If the investment adviser to the investment company issuing an actively managed series of Multi-Class ETF Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a “fire wall” between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Multi-Class ETF’s portfolio; and (iii) any advisory committee, supervisory board, or similar entity that advises a Reporting Authority or that makes decisions on the composition, methodology, and related matters of an index underlying a series of Multi-Class ETF Shares, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable index. For actively managed Multi-Class ETFs, personnel who make decisions on the portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable portfolio.

Proposed Rule 14.11(n)(4)(B) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of Proposed Rule 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, a series of Multi-Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer in compliance with the requirements of

Rule 6c–11 under the Investment Company Act or of the applicable exemptive relief applicable to Multi-Class ETF Shares; (b) if any of the other listing requirements set forth in this Rule 14.11(n) are not continuously maintained; (c) if, following the initial twelve month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of the series of Multi-Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 14.11(n)(4)(B)(ii) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing.

Proposed Rule 14.11(n)(5) provides that neither the Exchange, the Reporting Authority, nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current index or portfolio value; the current value of the portfolio of securities required to be deposited in connection with issuance of Multi-Class ETF Shares; the amount of any dividend equivalent payment or cash distribution to holders of Multi-Class ETF Shares; net asset value; or other information relating to the purchase, redemption, or trading of Multi-Class ETF Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities.

The Exchange is also proposing to make corresponding amendments to include Multi-Class ETF Shares in other Exchange rules. First, the Exchange is proposing to add Multi-Class ETF Shares to the definition of UTP Security in Rule 1.5(ee) and to amend Rule 14.11(c)(3)(A)(i)(a) in order to include Multi-Class ETF Shares in the definition of Derivative Securities Products.

Second, the Exchange proposes to amend Rule 14.10(e)(1)(E)(ii) to exempt Multi-Class ETF Shares from the

requirements of Rule 14.10(i)(1) in connection with the acquisition of the stock or assets of an affiliated registered investment company in a transaction that complies with Rule 17a-8 under the Investment Company Act and does not otherwise require shareholder approval under the Investment Company Act and the rules thereunder or any other Exchange rule.¹³

Third, the Exchange proposes to amend Rule 14.10(e)(1)(F)(ii) to include Multi-Class ETF Shares in the definition of “Derivative Securities” for purposes of Rule 14.10. Inclusion in such definition would exempt Multi-Class ETF Shares from the requirements relating to Independent Directors (as set forth in Rule 14.10(c)(2)), Compensation Committees (as set forth in Rule 14.10(c)(4)), Director Nominations (as set forth in Rule 14.10(c)(5)), Code of Conduct (as set forth in Rule 14.10(d)), and Meetings of Shareholders (as set forth in Rule 14.10(f)). In addition, these issuers are exempt from the requirements relating to Audit Committees (as set forth in Rule 14.10(c)(3)), except for the applicable requirements of SEC Rule 10A-3.¹⁴

Discussion

Proposed Rule 14.11(n) is based on Rule 14.11(l) related to the listing and trading of ETF Shares on the Exchange, which are issued under the 1940 Act and qualify as ETF Shares under Rule 6c-11. ETF Shares are identical to Multi-Class ETF Shares except that Multi-Class ETF Shares have received exemptive relief to operate an exchange-traded fund class in addition to classes of shares that are not exchange-traded. The proposed Multi-Class ETF Shares generic listing rules would apply only to the class of Multi-Class ETF Shares that are exchange-traded. As such, the Exchange believes that using Rule 14.11(l) as the basis for proposed Rule 14.11(n) is appropriate because they are generally designed to address the issues associated with Multi-Class ETF Shares.

The Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices because the Exchange will perform ongoing surveillance of Multi-Class ETF Shares listed on the Exchange in order to ensure compliance with Rule 6c-11, the Investment Company Act, and any applicable exemptive relief on an ongoing basis. The Exchange believes that the manipulation concerns are

otherwise mitigated by a combination of the Exchange’s surveillance procedures, the Exchange’s ability to halt trading under the proposed Rule 14.11(n)(4)(B)(ii), and the Exchange’s ability to suspend trading and commence delisting proceedings under proposed Rule 14.11(n)(4)(B)(i). The Exchange will also halt trading in Multi-Class ETF Shares under the conditions specified in Rule 11.18, “Trading Halts Due to Extraordinary Market Volatility.” The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from Rule 6c-11, specifically the additional flexibility provided to issuers of Multi-Class ETF Shares through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c-11.¹⁵ The Exchange believes that the combination of these factors will act to keep Multi-Class ETF Shares trading near the value of their underlying holdings and further mitigate concerns around manipulation of Multi-Class ETF Shares on the Exchange. The Exchange will monitor for compliance with Rule 6c-11 and any applicable exemptive relief in order to ensure that the continued listing standards are being met. Specifically, the Exchange will review the website of each series of Multi-Class ETF Shares listed on the Exchange in order to ensure that the requirements of Rule 6c-11 are being met. The Exchange will also employ numerous intraday alerts that will notify Exchange personnel of trading activity throughout the day that is potentially indicative of certain disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market. As a backstop to the surveillances described above, the Exchange also notes that Rule 14.11(a) would require an issuer of Multi-Class ETF Shares to notify the Exchange of any failure to comply with Rule 6c-11 or the Investment Company Act.

The Exchange may suspend trading in and commence delisting proceedings for a series of Multi-Class ETF Shares where such series is not in compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are

inadvisable.¹⁶ The Exchange also notes that Rule 14.11(a) requires any issuer to provide the Exchange with prompt notification after it becomes aware of any non-compliance with proposed Rule 14.11(n), which would include any failure of the issuer to comply with Rule 6c-11, the Investment Company Act, or any exemptive relief applicable to Multi-Class ETF Shares.¹⁷

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Multi-Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which are currently applicable to ETF Shares, among other product types, to monitor trading in Multi-Class ETF Shares. The Exchange or the Financial Industry Regulatory Authority, Inc. (“FINRA”), on behalf of the Exchange, will communicate as needed regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components with other markets that are members of the Intermarket Surveillance Group (“ISG”) or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Multi-Class ETF Shares and certain of their applicable underlying

¹⁶ Specifically, proposed Rule 14.11(n)(4)(B) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of Proposed Rule 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, a series of Multi-Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer eligible to operate in reliance on Rule 6c-11 under the Investment Company Act of 1940 or any applicable exemptive relief applicable to Multi-Class ETF Shares; (b) if any of the other listing requirements set forth in this Rule 14.11(n) are not continuously maintained; (c) if, following the initial twelve month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of the series of Multi-Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 14.11(n)(4)(B)(ii) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing.

¹⁷ The Exchange notes that failure by an issuer to notify the Exchange of non-compliance pursuant to Rule 14.11(a) would itself be considered non-compliance with the requirements of Rule 14.11 and would subject the series of Multi-Class ETF Shares to potential trading halts and the delisting process under Rule 14.12.

¹³ The Exchange notes that these proposed changes would subject Multi-Class ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

¹⁴ Id.

¹⁵ The Exchange notes that the Commission came to a similar conclusion in several places in the Rule 6c-11 Release. See Rule 6c-11 Release at 15-18; 60-61; 69-70; 78-79; 82-84; and 95-96.

components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Additionally, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities that may be held by a series of Multi-Class ETF Shares reported to FINRA's Trade Reporting and Compliance Engine ("TRACE"). FINRA also can access data obtained from the Municipal Securities Rulemaking Board's ("MSRB") Electronic Municipal Market Access ("EMMA") system relating to municipal bond trading activity for surveillance purposes in connection with trading in a series of Multi-Class ETF Shares, to the extent that a series of Multi-Class ETF Shares holds municipal securities. Finally, as noted above, the issuer of a series of Multi-Class ETF Shares will be required to comply with Rule 10A-3 under the Act for the initial and continued listing of Multi-Class ETF Shares, as provided under Rule 14.10(e)(1)(E).¹⁸

The Exchange notes that it may consider all relevant factors in exercising its discretion to halt or suspend trading in a series of Multi-Class ETF Shares. Trading may be halted if the circuit breaker parameters in Rule 11.18 have been reached, because of other market conditions, or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which certain information about the Multi-Class ETF Shares that is required to be disclosed under Rule 6c-11 of the Investment Company Act is not being made available, including specifically where the Exchange becomes aware that the net asset value or the daily portfolio disclosure with respect to a series of Multi-Class ETF Shares is not disseminated to all market participants at the same time, it will halt trading in such series until such time as the net asset value or the daily portfolio disclosure is available to all market participants;¹⁹ (2) if an interruption to the dissemination to the value of the index or reference asset on which a series of Multi-Class ETF Shares is based persists past the trading day in which it occurred or is no longer

calculated or available; (3) trading in the securities comprising the underlying index or portfolio has been halted in the primary market(s); or (4) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.²⁰ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²¹ 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)²² requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that proposed Rule 14.11(n) is designed to prevent fraudulent and manipulative acts and practices in that the proposed rules relating to listing and trading Multi-Class ETF Shares on the Exchange provide specific initial and continued listing criteria required to be met by such securities. Proposed Rule 14.11(n)(4) sets forth initial and continued listing criteria applicable to Multi-Class ETF Shares, specifically providing that the Exchange may approve a series of Multi-Class ETF Shares for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b-4(e) under the Act, provided such series of Multi-Class ETF Shares complies with the requirements of Rule 6c-11 under the Investment Company Act, and is eligible to operate in reliance on exemptive relief from certain requirements of the Investment Company Act and the rules and regulations thereunder that permits the fund to offer Multi-Class ETF Shares, and must satisfy the requirements of

this Rule 14.11(n) on an initial and continued listing basis. The Exchange will submit a Form 19b-4(e) for all series of Multi-Class ETF Shares upon being listed pursuant to Rule 14.11(n) and such Form 19b-4(e) will specifically note that such series of Multi-Class ETF Shares are being listed on the Exchange pursuant to Rule 14.11(n).

Proposed Rule 14.11(n)(4)(B) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of Proposed Rule 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, a series of Multi-Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer in compliance with the requirements of Rule 6c-11 under the Investment Company Act of 1940 or the exemptive relief applicable to Multi-Class ETF Shares; (b) if any of the other listing requirements set forth in this Rule 14.11(n) are not continuously maintained; (c) if, following the initial twelve month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of the series of Multi-Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. The Exchange notes that it may become aware that the issuer is no longer compliant with Rule 6c-11 or any applicable exemptive relief thereunder, as described in proposed Rule 14.11(n)(4)(B)(i)(a), as a result of either the Exchange identifying non-compliance through its own monitoring process or through notification by the issuer. Proposed Rule 14.11(n)(4)(B)(ii) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing. The Exchange also notes that it will obtain a representation from the issuer of each series of Multi-Class ETF Shares stating that the requirements of Rule 6c-11 will be continuously satisfied and that the issuer will notify the Exchange of any failure to do so.

The Exchange further believes that proposed Rule 14.11(n) is designed to prevent fraudulent and manipulative acts and practices because of the robust surveillances in place on the Exchange

¹⁸ The Exchange notes that these proposed changes would subject ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

¹⁹ The Exchange will obtain a representation from the issuer of Multi-Class ETF Shares that the net asset value per share will be calculated daily and made available to all market participants at the same time, and the requirements under Rule 6c-11 will be satisfied for the series.

²⁰ 15 U.S.C. 78f(b).

²¹ 15 U.S.C. 78f(b)(5).

²² *Id.*

as required under proposed Rule 14.11(n)(2)(C) along with the similarities of proposed Rule 14.11(n) to the rules related to other securities that are already listed and traded on the Exchange and which would qualify as Multi-Class ETF Shares. ETF Shares are identical to Multi-Class ETF Shares except that Multi-Class ETF Shares have received exemptive relief to operate an exchange-traded fund class in addition to classes of shares that are not exchange-traded. As such, the Exchange believes that using the Current ETF Standards and Rule 14.11(l) as the basis for proposed Rule 14.11(n) is appropriate because they are generally designed to address the issues associated with Multi-Class ETF Shares.

The Exchange believes that the proposal is consistent with Section 6(b)(1) of the Act²³ in that, in addition to being designed to prevent fraudulent and manipulative acts and practices, the Exchange has the capacity to enforce proposed Rule 14.11(n) by performing ongoing surveillance of Multi-Class ETF Shares listed on the Exchange in order to ensure compliance with Rule 6c-11 and the 1940 Act on an ongoing basis. The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from compliance with Rule 6c-11, specifically the additional flexibility provided to issuers of Multi-Class ETF Shares through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c-11.²⁴ The Exchange believes that the combination of these factors will act to keep Multi-Class ETF Shares trading near the value of their underlying holdings and further mitigate concerns around manipulation of Multi-Class ETF Shares on the Exchange. The Exchange will monitor for compliance with Rule 6c-11 and any applicable exemptive relief in order to ensure that the continued listing standards are being met. Specifically, the Exchange plans to review the website of series of Multi-Class ETF Shares in order to ensure that the requirements of Rule 6c-11 are being met. The Exchange will also employ numerous intraday alerts that will notify Exchange personnel of trading activity throughout the day that is potentially indicative of certain

disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market. As a backstop to the surveillances described above, the Exchange also notes that Rule 14.11(a) would require an issuer of Multi-Class ETF Shares to notify the Exchange of any failure to comply with Rule 6c-11 or the Investment Company Act.

To the extent that any of the requirements under Rule 6c-11 or the 1940 Act are not being met, the Exchange may halt trading in a series of Multi-Class ETF Shares as provided in proposed Rule 14.11(n)(4)(B)(ii). Further, the Exchange may also suspend trading in and commence delisting proceedings for a series of Multi-Class ETF Shares where such series is not in compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are inadvisable.²⁵ The Exchange also notes that Rule 14.11(a) requires any issuer to provide the Exchange with prompt notification after it becomes aware of any non-compliance with proposed Rule 14.11(n), which would include any failure of the issuer to comply with Rule 6c-11 or the 1940 Act.²⁶

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Multi-Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules.

²⁵ Specifically, proposed Rule 14.11(n)(4)(B) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of Proposed Rule 14.11(n)(4)(B)(i) and (ii). Proposed Rule 14.11(n)(4)(B)(i) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 14.12 for, a series of Multi-Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer eligible to operate in reliance on Rule 6c-11 under the Investment Company Act of 1940 or any exemptive relief applicable to Multi-Class ETF Shares; (b) if any of the other listing requirements set forth in this Rule 14.11(n) are not continuously maintained; (c) if, following the initial twelve month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of the series of Multi-Class ETF Shares for 30 or more consecutive trading days; or (d) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 14.11(n)(4)(B)(ii) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing.

²⁶ The Exchange notes that failure by an issuer to notify the Exchange of non-compliance pursuant to Rule 14.11(a) would itself be considered non-compliance with the requirements of Rule 14.11 and would subject the series of Multi-Class ETF Shares to potential trading halts and the delisting process under Rule 14.12.

Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which are currently applicable to ETF Shares, among other product types, to monitor trading in Multi-Class ETF Shares. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components with other markets that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Additionally, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities that may be held by a series of Multi-Class ETF Shares reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB's EMMA system relating to municipal bond trading activity for surveillance purposes in connection with trading in a series of Multi-Class ETF Shares, to the extent that a series of Multi-Class ETF Shares holds municipal securities. Finally, as noted above, the issuer of a series of Multi-Class ETF Shares will be required to comply with Rule 10A-3 under the Act for the initial and continued listing of Multi-Class ETF Shares, as provided under Rule 14.10(e)(1)(E) to Rule 14.10.²⁷

The Exchange believes that permitting Multi-Class ETF Shares to list on the Exchange is consistent with the applicable exemptive relief and will help perfect the mechanism of a free and open market and, in general, will protect investors and the public interest in that it will permit the listing and trading of Multi-Class ETF Shares, consistent with the applicable exemptive relief, and in a manner that will benefit investors. Specifically, the Exchange believes that the relief proposed in the Applications and the expected benefits of the Multi-Class ETF Shares described above would be to the benefit of investors. Eliminating any unnecessary delay for additional Multi-Class ETF Shares listing on the

²⁷ The Exchange notes that these proposed changes would subject Multi-Class ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

²³ 15 U.S.C. 78f(b)(1).

²⁴ The Exchange notes that the Commission came to a similar conclusion in several places in the Rule 6c-11 Release. See Rule 6c-11 Release at 15-18; 60-61; 69-70; 78-79; 82-84; and 95-96.

Exchange under proposed Rule 14.11(n) will simply help accrue those benefits to investors more expeditiously. Further, the Exchange is only proposing to amend its rules to allow such a series of Multi-Class ETF Shares to list on the Exchange pursuant to Rule 14.11(n), a change to its rules that will only be meaningful if and when the Commission grants such relief to an Applicant. As noted above, the Exchange submits this proposal only to prevent any unnecessary delay in listing additional Multi-Class ETF Shares generically under Rule 14.11(n) when and if such requests are granted by the Commission.

The Exchange also believes that proposed Rule 14.11(n) to explicitly provide that the initial and continued listing standards applicable to Multi-Class ETF Shares, including the suspension of trading or removal standards, are designed to promote transparency and clarity in the Exchange's Rules. The Exchange believes that with these changes, Rule 14.11(n) would clearly allow for the listing and trading of Multi-Class ETF Shares upon the Commission's order of exemptive relief.

The Exchange also believes that the corresponding change to amend the Exchange's definitions, corporate governance requirements under Rule 14.10(e), and other provisions of Rule 14.11 in order to accommodate the proposed listing of Multi-Class ETF Shares will add clarity to the Exchange's Rulebook. ETF Shares are similarly included in these definitions and exempt from the applicable corporate governance requirements. Therefore, the Exchange believes these are non-substantive changes meant only to subject Multi-Class ETF Shares to the same corporate governance requirements currently applicable ETF Shares. All other corporate governance requirements that Multi-Class ETF Shares are not specifically exempted from will otherwise apply.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal, by permitting the listing and trading of Multi-Class ETF Shares under exemptive relief from the Investment Company Act and the rules and

regulations thereunder, would introduce additional competition among various ETF products to the benefit of investors.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

- (A) by order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-076 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to file number SR-CboeBZX-2025-076. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-076 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁸

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025-10443 Filed 6-9-25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103189; File No. SR-NYSEARCA-2025-39]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Adopt a New Rule 5.2-E(j)(9) To Permit the Generic Listing and Trading of Multi-Class Exchange-Traded Fund Shares

June 4, 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 May 28, 2025, NYSE Arca, Inc. ("NYSE Arca" or the "Exchange") 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

²⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (1) adopt a new Rule 5.2–E(j)(9) to permit the generic listing and trading of Multi-Class Exchange-Traded Fund (“ETF”) Shares that comply with the requirements of Rule 6c–11 of the Investment Company Act of 1940 (the “1940 Act”) and are eligible to operate in reliance on exemptive relief from certain requirements of 1940 Act and the rules and regulations thereunder that permit the entity issuing the Multi-Class ETF Shares to offer an ETF class in addition to classes of shares that are not exchange-traded; and (2) make certain conforming changes to the Exchange’s rules to accommodate the proposed listing of Multi-Class ETF Shares. 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 Exchange proposes to (1) adopt a new Rule 5.2–E(j)(9) to permit the generic listing and trading of Multi-Class ETF Shares that comply with the requirements of Rule 6c–11 of the 1940 Act and are eligible to operate in reliance on exemptive relief from certain requirements of the 1940 Act and the rules and regulations thereunder that permit the entity issuing the Multi-Class ETF Shares to offer an ETF fund class in addition to classes of shares that are not exchange-traded; and (2) make certain conforming changes to the Exchange’s rules to accommodate

the proposed listing of Multi-Class ETF Shares.⁴

Consistent with other products (specifically, Investment Company Units listed pursuant to Rule 5.2–E(j)(3), Managed Fund Shares listed pursuant to Rule 8.600–E, and ETF Shares listed pursuant to Rule 5.2–E(j)(8)), Multi-Class ETF Shares, *i.e.*, both a class of mutual fund shares (each such class, a “Mutual Fund class” and such shares “Mutual Fund Shares”) and ETF Shares, would be permitted to be listed and traded on the Exchange without prior Commission approval order or notice of effectiveness pursuant to Section 19(b) of the Act.⁵

Background

There are numerous applications for exemptive relief for Multi-Class ETF Shares currently before the Commission⁶ requesting exemptive relief similar to that previously granted to other funds that are not listed on the Exchange.⁷ The current proposal would provide for the “generic” listing and/or trading of Multi-Class ETF Shares pursuant to proposed Rule 5.2–E(j)(9) immediately upon the Commission’s applicable order granting exemptive

relief to the outstanding applications. The Exchange submits the instant proposal only to prevent any unnecessary delay in listing additional Multi-Class ETF Shares generically under Rule 5.2–E(j)(9) when and if such requests are granted by the Commission.

The Commission began granting limited relief for The Vanguard Group, Inc. (“Vanguard”) in 2000 to offer certain index-based open-end management investment companies with Multi-Class ETF Shares.⁸ After this relief was granted, there was limited public discourse about Multi-Class ETF Shares until 2019, when the prospect of providing blanket exemptive relief to Multi-Class ETF Shares was addressed in the Commission’s adoption of Rule 6c–11 under the 1940 Act (the “ETF Rule”).⁹ The ETF Rule permits ETFs that satisfy certain conditions to operate without the expense or delay of obtaining an exemptive order. However, the ETF Rule did not provide blanket exemptive relief to allow for Multi-Class ETF Shares as part of the final rule. Instead, the Commission concluded that Multi-Class ETF Shares should request relief through the exemptive application process so that the Commission may assess all relevant policy considerations in the context of the facts and circumstances of particular applicants. The Exchange adopted Rule 5.2–E(j)(8)¹⁰ shortly after implementation of the ETF Rule and, because the ETF Rule did not provide blanket relief to the Multi-Class ETF Shares listed on the Exchange pursuant to previously

⁴ The Exchange notes that Cboe BZX Exchange, Inc. (“BZX”) and The Nasdaq Stock Market LLC (“Nasdaq”) have filed a substantially similar rule filings. See Securities Exchange Act Release No. 102594 (March 11, 2025), 90 FR 12387 (March 17, 2025) (SR–CboeBZX–2024–112) & Securities Exchange Act Release No. 103072 (May 20, 2025), 90 FR 22373 (May 27, 2025) (SR–NASDAQ–2025–037).

⁵ Rule 19b–4(e)(1) provides that the listing and trading of a new derivative securities product by a self-regulatory organization (“SRO”) is not deemed a proposed rule change, pursuant to paragraph (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO’s trading rules, procedures and listing standards for the product class that would include the new derivative securities product and the SRO has a surveillance program for the product class. As contemplated by proposed Rule 5.2–E(j)(9), the Exchange proposes to establish generic listing standards for Multi-Class ETFs that are permitted to operate in reliance on exemptive relief to Rule 6c–11 of the 1940 Act that permits the entity issuing the Multi-Class ETF Shares to offer an exchange-traded fund class in addition to classes of shares that are not exchange-traded of an open-end fund. A Multi-Class ETF listed under proposed Rule 5.2–E(j)(9) would therefore not need a separate proposed rule change pursuant to Rule 19b–4 before it can be listed and traded on the Exchange.

⁶ See Perpetual US Services, LLC (filed February 7, 2023); DFA Investment Dimensions Group Inc. and Dimensional Investment Group Inc. (filed July 12, 2023); F/m Investments LLC (August 22, 2023); Fidelity Hastings Street Trust and Fidelity Management & Research Company (filed October 24, 2023); Morgan Stanley Institutional Fund Trust and Morgan Stanley Investment Management Inc. (filed January 29, 2024); First Trust Series Fund and First Trust Variable Insurance Trust (filed January 24, 2024); Guinness Atkinson Funds (filed February 27, 2024); and Metropolitan West Funds, TCW ETF Trust, and TCW Funds, Inc. (filed March 20, 2024).

⁷ See note 7, *infra*.

⁸ See Vanguard Index Funds, Investment Company Act Release Nos. 24680 (Oct. 6, 2000) (notice) and 24789 (Dec. 12, 2000) (order). The Commission itself, as opposed to the Commission staff acting under delegated authority, considered the original Vanguard application and determined that the relief was appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In the process of granting the order, the Commission also considered and denied a hearing request on the original application, as reflected in the final Commission order. See also the Vanguard Group, Inc., Investment Company Act Release Nos. 26282 (Dec. 2, 2003) (notice) and 26317 (Dec. 30, 2003) (order); Vanguard International Equity Index Funds, Investment Company Act Release Nos. 26246 (Nov. 3, 2003) (notice) and 26281 (Dec. 1, 2003) (order); Vanguard Bond Index Funds, Investment Company Act Release Nos. 27750 (Mar. 9, 2007) (notice) and 27773 (April 2, 2007) (order) (collectively referred to as the “Vanguard Orders”).

⁹ See Securities Exchange Act Release No. 33–10695 (October 24, 2019) 84 FR 57162 (File No. S7–15–18).

¹⁰ See Securities Exchange Act No. 88625 (April 13, 2020) 85 FR 21479 (April 17, 2020) (SR–NYSEArca–2019–81) (Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Adopt NYSE Arca Rule 5.2–E(j)(8) Governing the Listing and Trading of ETF Shares).

granted exemptive relief and there were no exemptive applications before the Commission at that time, the Exchange did not propose to include any language comparable to what is being proposed herein.

As noted, a number of applications for exemptive relief to permit the applicable fund to offer Multi-Class ETF Shares (the “Applications”) have been submitted to the Commission starting in early 2023. In general, the Applications state that the ability of a fund to offer Multi-Class ETF Shares, *i.e.*, both a class of mutual fund shares and ETF Shares, could be beneficial to the fund and to shareholders of each type of class for various reasons, including more efficient portfolio management, better secondary market trading opportunities, and cost efficiencies, among others.¹¹

¹¹ Specifically, the Applicants believe that a Mutual Fund class would benefit ETF class shareholders because investor cash flows through a Mutual Fund class can be used for efficient portfolio rebalancing. To the extent that cash flows come into a fund through a Mutual Fund class, a portfolio manager may be able to deploy that cash strategically to rebalance the portfolio. Second, cash flows through a Mutual Fund class may allow for greater creation basket flexibility for creations and redemptions through the ETF class, which could promote arbitrage efficiency and smaller spreads on the trading of ETF Shares in the secondary market. With respect to existing funds, ETF classes would permit investors that prefer the ETF structure to gain access to established funds’ investment strategies. Additionally, the establishment of an ETF class as part of an existing fund could lead to cost efficiencies. Specifically, in terms of fund expenses, an ETF class could have initial and ongoing advantages for its shareholders, where shareholders of an ETF class of a fund that already has substantial assets could immediately benefit from economies of scale. Finally, the tax-free conversion of shares from the Mutual Fund class to the ETF class may accelerate the development of an ETF shareholder base. Subsequent secondary market transactions by the ETF class shareholders could generate greater trading volume, resulting in lower trading spreads and/or premiums or discounts in the market prices of the ETF Shares to the benefit of ETF shareholders. The Applicants also believe that an ETF class would benefit Mutual Fund class shareholders because in-kind transactions through the ETF class may contribute to lower portfolio transaction costs and greater tax efficiency. Additionally, the conversion feature could allow Mutual Fund shareholders to convert Mutual Fund Shares for ETF Shares without adverse consequences to the Fund by allowing Mutual Fund shareholders to convert their shares into the ETF class of the same fund rather than redeeming their Mutual Fund Shares and buying shares of another ETF. In doing so, the converting shareholder could save on transaction costs and potential tax consequences that may otherwise be incurred in redeeming their existing shares and buying separate ETF Shares. The ETF class would also represent an additional distribution channel for a fund that could lead to additional asset growth and economies of scale; greater assets under management may lead to additional cost efficiencies and an improved tax profile for the fund may also assist the competitive position of the Fund for attracting prospective shareholders. Last, the class of ETF Shares could allow certain investors to engage in more frequent trading without disrupting the fund’s portfolio.

While Multi-Class ETF Shares could potentially be listed under existing Rule 5.2–E(j)(3) or Rule 8.600–E, doing so would unnecessarily re-introduce the burdensome quantitative requirements and ongoing compliance obligations associated therewith that existed before the adoption of Rule 6c–11 of the 1940 Act and Rule 5.2–E(j)(8). The Exchange is not aware of any clear policy rationale as to why those quantitative requirements should apply to Multi-Class ETF Shares. As such, listing Multi-Class ETF Shares under these older rules would place undue burdens on both the Exchange and fund issuers because of the quantitative requirements that currently do not apply to ETFs meeting the requirements of Rule 6c–11 of the 1940 Act and Rule 5.2–E(j)(8). Furthermore, while the Applicants generally seek the same exemptive relief as granted under those previous orders,¹² several Applicants have proposed different conditions to the relief that reflect the adoption of Rule 6c–11. The Exchange therefore believes there is a reasonable relationship between the Applications and the proposed rule change to allow for the Commission’s evaluation of whether the proposed rule change is consistent with the Act. The Exchange also acknowledges that approval of this proposed rule change would not necessarily result in the listing and trading of the additional Multi-Class ETF Shares under the proposed rule until and unless the necessary relief was granted by the Division of Investment Management, but approving this proposal would address any potential concerns the Commission’s Division of Trading and Markets might have as it specifically relates to the listing and trading of Multi-Class ETF Shares under proposed Rule 5.2–E(j)(9) and would allow for a smooth launch process if and when such relief is granted.¹³

¹² See note 8, *supra*.

¹³ The Commission has in some instances historically approved Exchange listing rules even when no products would necessarily be permitted to list under those rules. Most recently, the Commission approved Exchange proposals to list and trade shares of ether-based exchange-traded products (“ETPs”) prior to any such products having an effective registration statement. As those ether-based ETPs could not trade on the Exchange without an effective registration statement, which were separately considered by the Commission’s Division of Corporate Finance, the Exchange could not list and trade those products even with proper Exchange Rules in place. The Exchange believes this example illustrates the reasonableness of the Exchange pursuing the adoption of a proposed Rule that would not immediately result in the listing and trading of the applicable products thereunder. See Securities Exchange Act No. 100224 (May 23, 2024) 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and

Proposed Rule Change

Proposed Rule 5.2–E(j)(9)

Proposed Rule 5.2–E(j)(9) is modeled on current Rule 5.2–E(j)(8). The presentation of the proposed rule is thus slightly different than the rule proposed by BZX and Nasdaq but contains all of the same elements and is otherwise substantially the same as the rule proposed by those exchanges.

Rule 5.2–E(j)(9)(a) would provide that the Exchange will consider for trading, whether by listing or pursuant to unlisted trading privileges, the shares of Multi-Class ETF Shares that meet the criteria of the proposed rule.¹⁴

Proposed Rule 5.2–E(j)(9)(b) titled “Applicability” would provide that the proposed rule would be applicable only to Multi-Class ETF Shares. Except to the extent inconsistent with proposed Rule 5.2–E(j)(9), or unless the context otherwise requires, the rules and procedures of the Board of Directors shall be applicable to the trading on the Exchange of such securities. Multi-Class ETF Shares are included within the definition of “security” or “securities” as such terms are used in the Rules of the Exchange.

Proposed Rule 5.2–E(j)(9)(c) titled “Definitions” would set forth the meanings of terms as used in the Rule unless the context otherwise requires.

Proposed Rule 5.2–E(j)(9)(c)(1) would provide that the term “Multi-Class ETF Shares” means shares of stock issued by a Multi-Class ETF.

Proposed Rule 5.2–E(j)(9)(c)(2) would provide that the term “Multi-Class ETF” means a fund that is subject to the same relief and constraints as ETFs under Rule 6c–11 of the 1940 Act except that the security is issued by a trust that

Trade Shares of Ether-Based Exchange-Traded Products).

¹⁴ To the extent that a series of Multi-Class ETF Shares does not satisfy one or more of the criteria in proposed Rule 5.2–E(j)(9), the Exchange may file a separate proposal under Section 19(b) of the Act in order to list such series on the Exchange. Any of the statements or representations in that proposal regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list such series of Multi-Class ETF Shares shall constitute continued listing requirements for the series of Multi-Class ETF Shares. Further, in the event that a series of Multi-Class ETF Shares becomes listed under proposed Rule 5.2–E(j)(9) and subsequently can no longer rely on the applicable exemptive relief to Rule 6c–11 of the 1940 Act, such series of Multi-Class ETF Shares may be listed as a series of Investment Company Units pursuant to Rule 5.2–E(j)(3) or Managed Fund Shares under Rule 8.600–E, as applicable, as long as the series of Multi-Class ETF Shares meets all listing requirements applicable under the applicable rule.

issues Multi-Class ETF Shares in addition to classes of shares of an open-end fund that are not exchange-traded.

Proposed Rule 5.2–E(j)(9)(c)(3) would provide that the term “Reporting Authority” in respect of a particular series of Multi-Class ETF Shares means the Exchange, an institution, or a reporting service designated by the Exchange or by the exchange that lists a particular series of Multi-Class ETF Shares (if the Exchange is trading such series pursuant to unlisted trading privileges) as the official source for calculating and reporting information relating to such series, including, but not limited to, the amount of any dividend equivalent payment or cash distribution to holders of Multi-Class ETF Shares, net asset value, index or portfolio value, the current value of the portfolio of securities required in connection with issuance of Multi-Class ETF Shares, or other information relating to the issuance, redemption or trading of Multi-Class ETF Shares. A series of Multi-Class ETF Shares may have more than one Reporting Authority, each having different functions.

Proposed Rule 5.2–E(j)(9)(d) titled “Limitation of Exchange Liability” would provide that neither the Exchange, the Reporting Authority, nor any agent of the Exchange shall have any liability for damages, claims, losses or expenses caused by any errors, omissions, or delays in calculating or disseminating any current index or portfolio value; the current value of the portfolio of securities required to be deposited in connection with issuance of Multi-Class ETF Shares; the amount of any dividend equivalent payment or cash distribution to holders of Multi-Class ETF Shares; net asset value; or other information relating to the purchase, redemption, or trading of Multi-Class ETF Shares, resulting from any negligent act or omission by the Exchange, the Reporting Authority, or any agent of the Exchange, or any act, condition, or cause beyond the reasonable control of the Exchange, its agent, or the Reporting Authority, including, but not limited to, an act of God; fire; flood; extraordinary weather conditions; war; insurrection; riot; strike; accident; action of government; communications or power failure; equipment or software malfunction; or any error, omission, or delay in the reports of transactions in one or more underlying securities.

Proposed Rule 5.2–E(j)(9)(e) would provide that the Exchange may approve a series of Multi-Class ETF Shares for listing and/or trading (including pursuant to unlisted trading privileges)

pursuant to Rule 19b–4(e) of the Act. Each listed series of Multi-Class ETF Shares must satisfy the requirements of Rule 5.2–E(j)(9) upon initial listing and, except for subparagraph (1)(A) of Rule 5.2–E(j)(9)(e), on a continuing basis. An issuer of such securities must notify the Exchange of any failure to comply with such requirements.

Proposed Rule 5.2–E(j)(9)(e)(1) titled “Initial and Continued Listing” would provide that Multi-Class ETF Shares will be listed and traded on the Exchange subject to the requirement that the investment company issuing a series of Multi-Class ETF Shares complies with the requirements of Rule 6c–11(c) of the 1940 Act and is eligible to operate in reliance on exemptive relief from certain requirements of the 1940 Act and the rules and regulations thereunder that permit the fund to offer Multi-Class ETF Shares, on an initial and continued listing basis. Further, proposed Rule 5.2–E(j)(9)(e)(1)(A) would provide that for each series, the Exchange will establish a minimum number of Multi-Class ETF Shares required to be outstanding at the time of commencement of trading on the Exchange.

Proposed Rule 5.2–E(j)(9)(e)(2) titled “Suspension of trading or removal” would provide that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 5.5–E(m) of, a series of Multi-Class ETF Shares under any of the following circumstances:

- if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer in compliance with Rule 6c–11 of the 1940 Act and/or with the exemptive relief applicable to Multi-Class ETF Shares (proposed Rule 5.2–E(j)(9)(e)(2)(A));
- if the investment company no longer complies with the requirements set forth in proposed Rule 5.2–E(j)(9) (proposed Rule 5.2–E(j)(9)(e)(2)(B));
- if, following the initial twelve-month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of such series of Multi-Class ETF Shares (proposed Rule 5.2–E(j)(9)(e)(2)(C)); or
- if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable (proposed Rule 5.2–E(j)(9)(e)(2)(D)).

Proposed Rule 5.2–E(j)(9)(f) would provide that transactions in Multi-Class ETF Shares will occur during the trading hours specified in Rule 7.34–E(a).

Proposed Rule 5.2–E(j)(9)(g) titled “Surveillance Procedures” would

provide that the Exchange will implement and maintain written surveillance procedures for Multi-Class ETF Shares.

Proposed Rule 5.2–E(j)(9)(h) titled “Termination” would provide that upon termination of an investment company issuing Multi-Class ETF Shares, the Exchange would require that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing.

The Exchange proposes to add two Commentaries to proposed Rule 5.2–E(j)(9), as follows.

First, proposed Commentary .01 to Rule 5.2–E(j)(9) would provide that a security that has previously been approved for listing on the Exchange pursuant to the generic listing requirements specified in Rule 5.2–E(j)(3) or Commentary .01 to Rule 8.600–E, or pursuant to a proposed rule change approved or subject to a notice of effectiveness by the Commission, may be considered approved for listing solely under Rule 5.2–E(j)(9) if such security is compliant with Rule 6c–11 of the 1940 Act and the exemptive relief applicable to Multi-Class ETF Shares. Further, the proposed Commentary would provide that once so approved for listing, the continued listing requirements applicable to such previously-listed security would be those specified in paragraph (e) of proposed Rule 5.2–E(j)(9). Any requirements for listing as specified in Rule 5.2–E(j)(3) or Commentary .01 to Rule 8.600–E, or an approval order or notice of effectiveness of a separate proposed rule change that differ from the requirements of Rule 5.2–E(j)(9) would no longer be applicable to such security.

Second, proposed Commentary .02 to Rule 5.2–E(j)(9) would provide that the following requirements shall be met by series of Multi-Class ETF Shares on an initial and continued listing basis.

Subsection (a)(1) of proposed Commentary .02 would provide that with respect to series of Multi-Class ETF Shares based on an index, if the underlying index is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser will erect and maintain a “fire wall” around the personnel who have access to information concerning changes and adjustments to the index and the index will be calculated by a third party who is not a broker-dealer or fund adviser.

Subsection (a)(2) of proposed Commentary .02 would provide that any advisory committee, supervisory board, or similar entity that advises a Reporting Authority (as defined in the proposed rule) or that makes decisions on the

index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable index.

Subsection (b) of proposed Commentary .02 would provide that with respect to series of Multi-Class ETF Shares that is actively managed, if the investment adviser to the investment company issuing Multi-Class ETF Shares is affiliated with a broker-dealer, such investment adviser will erect and maintain a “fire wall” between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund’s portfolio. Further, personnel who make decisions on the portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable portfolio. The Reporting Authority that provides information relating to the portfolio of a series of Multi-Class ETF Shares must also implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of such portfolio.

Proposed Conforming Changes

The Exchange also proposes corresponding amendments to include Multi-Class ETF Shares in other Exchange rules, which are intended to align the treatment of the proposed products with how other open-end management investment company shares (e.g., Investment Company Units, Managed Fund Shares, and ETF Shares) are treated under the Exchange’s rules.

First, the Exchange proposes to add Multi-Class ETF Shares to the definition of “Derivative Securities Product and UTP Derivative Securities Product” in Rule 1.1.

Second, the Exchange proposes to amend Rule 5.3–E to exempt Multi-Class ETF Shares from the requirements of Rule 5.3–E(d)(9) in connection with the acquisition of the stock or assets of an affiliated registered investment company in a transaction that complies with Rule 17a–8 under the 1940 Act and does not otherwise require shareholder approval under the 1940 Act and the rules thereunder or any other Exchange rule.¹⁵ In addition, the Exchange

proposes to add proposed Rule 5.2–E(j)(9) to the last paragraph of Rule 5.3–E, which defines derivative and special purpose securities for purposes of Rule 5.3–E.

Discussion

Proposed Rule 5.2–E(j)(9) is based in large part on Rules 5.2–E(j)(3), 5.2–E(j)(8) and 8.600–E related to the listing and trading of Investment Company Units, Managed Fund Shares, and ETF Shares, respectively, each of which are issued under the 1940 Act and qualify as ETF Shares under Rule 6c–11 of the 1940 Act. Rules 5.2–E(j)(3) and 8.600–E are very similar, their primary difference being that Investment Company Units are designed to track an underlying index and Managed Fund Shares are based on an actively managed portfolio that is not designed to track an index. ETF Shares are identical to Multi-Class ETF Shares except that Multi-Class ETF Shares have received exemptive relief to operate an exchange-traded fund class in addition to classes of shares that are not exchange-traded. As such, the Exchange believes that using Rules 5.2–E(j)(3) and 8.600–E (collectively, the “Current ETF Standards”) as well as Rule 5.2–E(j)(8) as the basis for proposed 5.2–E(j)(9) is appropriate because they are generally designed to address the issues associated with Multi-Class ETF Shares. The only substantial difference between Rule 5.2–E(j)(8) and proposed Rule 5.2–E(j)(9) from the Current ETF Standards that are not otherwise required under Rule 6c–11 of the 1940 Act is that proposed Rule 5.2–E(j)(9) and Rule 5.2–E(j)(8) do not include the quantitative standards applicable to a fund or an index that are included in the Current ETF Standards. This difference is discussed below.

The Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices because the Exchange will perform ongoing surveillance of Multi-Class ETF Shares listed on the Exchange in order to ensure compliance with Rule 6c–11, the 1940 Act, and any applicable exemptive relief on an ongoing basis. While proposed Rule 5.2–E(j)(9) does not include the quantitative requirements applicable to an ETF or an ETF’s holdings or underlying index that are included in Rules 5.2–E(j)(3) and 8.600–E,¹⁶ the Exchange believes that

the manipulation concerns that such standards are intended to address are otherwise mitigated by a combination of the Exchange’s surveillance procedures, the Exchange’s ability to halt trading and to suspend trading and commence delisting proceedings under proposed Rule 5.2–E(j)(9)(e)(2). The Exchange will also halt trading in Multi-Class ETF Shares under the conditions specified in Rule 7.12–E, “Trading Halts Due to Extraordinary Market Volatility.” The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from Rule 6c–11 of the 1940 Act, specifically the additional flexibility provided to issuers of Multi-Class ETF Shares through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c–11 of the 1940 Act.¹⁷ The Exchange believes that the combination of these factors will act to keep Multi-Class ETF Shares trading near the value of their underlying holdings and further mitigate concerns around manipulation of Multi-Class ETF Shares on the Exchange without the inclusion of quantitative standards.¹⁸

The Exchange will monitor for compliance with Rule 6c–11 of the 1940 Act and any applicable exemptive relief in order to ensure that the continued listing standards are being met.¹⁹ Specifically, the Exchange will review the website of each series of Multi-Class ETF Shares listed on the Exchange in order to ensure that the requirements of Rule 6c–11 of the 1940 Act are being met. The Exchange will also employ numerous intraday alerts that will notify

related to the minimum number of beneficial holders of a fund (the “Distribution Standards”). The Exchange believes that to the extent that manipulation concerns are mitigated based on the factors described herein, such concerns are mitigated both as it relates to the Holdings Standards and the Distribution Standards.

¹⁷ The Exchange notes that the Commission came to a similar conclusion in several places in the Rule 6c–11 Release. See Rule 6c–11 Release at 15–18; 60–61; 69–70; 78–79; 82–84; and 95–96.

¹⁸ The Exchange believes that this applies to all quantitative standards, whether applicable to the portfolio holdings of a series of Multi-Class ETF Shares or the distribution of the Multi-Class ETF Shares.

¹⁹ As noted throughout, proposed Rule 5.2–E(j)(9), unlike Rules 5.2–E(j)(3) and 8.600–E, does not include Holdings Standards and, as such, there will be no quantitative standards applicable by the Exchange to the underlying index or the portfolio holdings of a series of Multi-Class ETF Shares on an initial or continued listing basis. In addition, Rule 5.2–E(j)(9) as proposed does not impose index dissemination requirements and the Exchange does not plan to conduct a specific index dissemination surveillance for securities listed pursuant to such rule.

¹⁵ The Exchange notes that these proposed changes would subject Multi-Class ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

¹⁶ The Exchange notes that Rules 5.2–E(j)(3) and 8.600–E include certain quantitative standards related to the size, trading volume, concentration, and diversity of the components of an index underlying a series of Investment Company Units and the portfolio holdings of a series of Managed Fund Shares (the “Holdings Standards”) as well as

Exchange personnel of trading activity throughout the day that is potentially indicative of certain disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market. Proposed Rule 5.2–E(j)(9) would require an issuer of Multi-Class ETF Shares to notify the Exchange of any failure to comply with Rule 6c–11 or the 1940 Act.

The Exchange may suspend trading in and commence delisting proceedings for a series of Multi-Class ETF Shares where such series is not in compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are inadvisable.²⁰ The Exchange also notes that proposed Rule 5.2–E(j)(9)(e) requires any issuer to provide the Exchange with prompt notification after it becomes aware of any non-compliance with the proposed rule, which would include any failure of the issuer to comply with Rule 6c–11 of the 1940 Act, the 1940 Act, or any exemptive relief applicable to Multi-Class ETF Shares.²¹

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Multi-Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Specifically, the Exchange intends to utilize its existing surveillance

procedures applicable to derivative products, which are currently applicable to Investment Company Units, Managed Fund Shares, and ETF Shares, among other product types, to monitor trading in Multi-Class ETF Shares on the Exchange. The Exchange or the Financial Industry Regulatory Authority, Inc. (“FINRA”), on behalf of the Exchange, will communicate as needed regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components with other markets that are members of the Intermarket Surveillance Group (“ISG”) or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Additionally, FINRA, on behalf of the Exchange, is able to access trade information for certain fixed income securities that may be held by a series of Multi-Class ETF Shares reported to FINRA’s Trade Reporting and Compliance Engine (“TRACE”). FINRA also can access data obtained from the Municipal Securities Rulemaking Board’s (“MSRB”) Electronic Municipal Market Access (“EMMA”) system relating to municipal bond trading activity for surveillance purposes in connection with trading in a series of Multi-Class ETF Shares, to the extent that a series of Multi-Class ETF Shares holds municipal securities. Finally, the issuer of a series of Multi-Class ETF Shares will be required to comply with Rule 10A–3 under the Act for the initial and continued listing of Multi-Class ETF Shares, as provided under Rule 5.3–E.²²

The Exchange notes that it may consider all relevant factors in exercising its discretion to halt or suspend trading in a series of Multi-Class ETF Shares. Trading may be halted if the circuit breaker parameters in Rule 7.12–E have been reached, because of other market conditions, or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which certain information about the Multi-Class ETF Shares that is required to be disclosed under Rule 6c–11 of the 1940 Act is not being made

available, including specifically where the Exchange becomes aware that the net asset value or the daily portfolio disclosure with respect to a series of Multi-Class ETF Shares is not disseminated to all market participants at the same time, it will halt trading in such series until such time as the net asset value or the daily portfolio disclosure is available to all market participants;²³ (2) if an interruption to the dissemination to the value of the index or reference asset on which a series of Multi-Class ETF Shares is based persists past the trading day in which it occurred or is no longer calculated or available; (3) trading in the securities comprising the underlying index or portfolio has been halted in the primary market(s); or (4) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,²⁴ in general, and furthers the objectives of Section 6(b)(5),²⁵ in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that proposed Rule 5.2–E(j)(9) is designed to prevent fraudulent and manipulative acts and practices in that the proposed rules relating to listing and trading Multi-Class ETF Shares on the Exchange provide specific initial and continued listing criteria required to be met by such securities. Proposed Rule 5.2–E(j)(9)(e) sets forth initial and continued listing criteria applicable to Multi-Class ETF Shares, specifically providing that the Exchange may approve a series of Multi-Class ETF Shares for listing and/or trading (including pursuant to unlisted trading privileges) on the Exchange pursuant to Rule 19b–4(e) under the Act, provided such series of Multi-Class ETF Shares complies with the requirements of Rule 6c–11 of the 1940 Act, is eligible to operate in reliance on exemptive relief from certain requirements of the 1940 Act and the rules and regulations

²⁰ Specifically, proposed Rule 5.2–E(j)(9)(e)(1) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of proposed Rule 5.2–E(j)(9)(e)(2). Proposed Rule 5.2–E(j)(9)(e)(2) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 5.5(m) for, a series of Multi-Class ETF Shares under any of the following circumstances: (a) if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer in compliance with Rule 6c–11 of the 1940 Act and/or with the exemptive relief applicable to Multi-Class ETF Shares; (b) if the investment company no longer complies with the requirements set forth in proposed Rule 5.2–E(j)(9); (3) if, following the initial twelve-month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of such series of Multi-Class ETF Shares; or (4) if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. Proposed Rule 5.2–E(j)(9)(h) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing.

²¹ The Exchange notes that failure by an issuer to notify the Exchange of non-compliance pursuant to proposed Rule 5.2–E(j)(9)(e) would itself be considered non-compliance with the requirements of Rule 5.2–E(j)(9) and would subject the series of Multi-Class ETF Shares to potential trading halts and the delisting process under Rule 5.5(m).

²² The Exchange notes that these proposed changes would subject ETF Shares to the same corporate governance requirements as other open-end management investment companies listed on the Exchange.

²³ The Exchange will obtain a representation from the issuer of Multi-Class ETF Shares that the net asset value per share will be calculated daily and the requirements under Rule 6c–11 of the 1940 Act will be satisfied for the series will be calculated daily and made available to all market participants at the same time.

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

thereunder that permits the fund to offer Multi-Class ETF Shares, and satisfies the requirements of the proposed rule on an initial and continued listing basis.²⁶ The Exchange will submit a Form 19b-4(e) for all series of Multi-Class ETF Shares upon being listed pursuant to Rule 5.2-E(j)(9), and such Form 19b-4(e) will specifically note that such series of Multi-Class ETF Shares are being listed on the Exchange pursuant to Rule 5.2-E(j)(9).

Proposed Rule 5.2-E(j)(9)(e) provides that each series of Multi-Class ETF Shares will be listed and traded on the Exchange subject to application of proposed Rule 5.2-E(j)(9)(e)(2). Proposed Rule 5.2-E(j)(9)(e)(2) provides that the Exchange will consider the suspension of trading in, and will commence delisting proceedings under Rule 5.5(m) of a series of Multi-Class ETF Shares under any of the following circumstances:

- if the Exchange becomes aware that the issuer of the Multi-Class ETF Shares is no longer in compliance with Rule 6c-11 and/or with the exemptive relief applicable to Multi-Class ETF Shares;
- if the investment company no longer complies with the requirements set forth in proposed Rule 5.2-E(j)(9);
- if, following the initial twelve-month period after commencement of trading on the Exchange of a series of Multi-Class ETF Shares, there are fewer than 50 beneficial holders of such series of Multi-Class ETF Shares; or
- if such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

The Exchange notes that issuers are required to notify the Exchange of any noncompliance with Rule 6c-11 of the 1940 Act or any applicable exemptive relief thereunder, as described in proposed Rule 5.2-E(j)(9)(e)(1). Moreover, the Exchange may identify

noncompliance through its own monitoring process.

Proposed Rule 5.2-E(j)(9)(h) provides that upon termination of an investment company, the Exchange requires that Multi-Class ETF Shares issued in connection with such entity be removed from Exchange listing. The Exchange also notes that it will obtain a representation from the issuer of each series of Multi-Class ETF Shares stating that the requirements of Rule 6c-11 of the 1940 Act will be continuously satisfied and that the issuer will notify the Exchange of any failure to do so.

The Exchange further believes that proposed Rule 5.2-E(j)(9) is designed to prevent fraudulent and manipulative acts and practices because of the robust surveillances in place on the Exchange as required under proposed Rule 5.2-E(j)(9)(g) along with the similarities of proposed Rule 5.2-E(j)(9) to the rules related to other securities that are already listed and traded on the Exchange and which would qualify as Multi-Class ETF Shares. Proposed Rule 5.2-E(j)(9) is based in large part on Rules 5.2-E(j)(3), 5.2-E(j)(8) and 8.600-E related to the listing and trading of Investment Company Units, Managed Fund Shares, and ETF Shares, respectively, each of which are issued under the 1940 Act and would qualify as Multi-Class ETF Shares. Rules 5.2-E(j)(3) and 8.600-E are very similar, their primary difference being that Investment Company Units are designed to track an underlying index and Managed Fund Shares are based on an actively managed portfolio that is not designed to track an index. ETF Shares are identical to Multi-Class ETF Shares except that Multi-Class ETF Shares have received exemptive relief to operate an exchange-traded fund class in addition to classes of shares that are not exchange-traded. As such, the Exchange believes that using the Current ETF Standards as well as Rule 5.2-E(j)(8) as the basis for proposed Rule 5.2-E(j)(9) is appropriate because they are generally designed to address the issues associated with Multi-Class ETF Shares. The only substantial difference between proposed Rule 5.2-E(j)(9) and the Current ETF Standards that are not otherwise required under Rule 6c-11 of the 1940 Act is that proposed Rule 5.2-E(j)(9) does not include the quantitative standards applicable to a fund or an index that are included in the Current ETF Standards.

The Exchange believes that the proposal is consistent with Section 6(b)(1) of the Act²⁷ in that, in addition to being designed to prevent fraudulent

and manipulative acts and practices, the Exchange has the capacity to enforce proposed Rule 5.2-E(j)(9) by performing ongoing surveillance of Multi-Class ETF Shares listed on the Exchange in order to ensure compliance with Rule 6c-11 and the 1940 Act on an ongoing basis. While proposed Rule 5.2-E(j)(9) does not include the quantitative requirements applicable to a fund and a fund's holdings or underlying index that are included in Rules 5.2-E(j)(3) and 8.600-E,²⁸ the Exchange believes that the manipulation concerns that such standards are intended to address are otherwise mitigated by a combination of the Exchange's surveillance procedures, and the Exchange's ability to halt trading and to suspend trading and commence delisting proceedings under proposed Rule 5.2-E(j)(9)(e)(2). The Exchange also believes that such concerns are further mitigated by enhancements to the arbitrage mechanism that have come from compliance with Rule 6c-11 of the 1940 Act, specifically the additional flexibility provided to issuers of Multi-Class ETF Shares through the use of custom baskets for creations and redemptions and the additional information made available to the public through the additional daily website disclosure obligations applicable under Rule 6c-11 of the 1940 Act.²⁹ The Exchange believes that the combination of these factors will act to keep Multi-Class ETF Shares trading near the value of their underlying holdings and further mitigate concerns around manipulation of Multi-Class ETF Shares on the Exchange without the inclusion of quantitative standards.³⁰

Rule 5.2-E(j)(9) requires an issuer of Multi-Class ETF Shares to promptly notify the Exchange of any failure to comply with Rule 6c-11 or the 1940 Act. In addition, the Exchange will monitor for compliance with Rule 6c-11 of the 1940 Act and any applicable exemptive relief in order to ensure that the continued listing standards are being met. Specifically, the Exchange plans to review the website of series of Multi-Class ETF Shares in order to

²⁶ The Exchange notes that eligibility to operate in reliance on Rule 6c-11 of the 1940 Act or any applicable exemptive relief thereunder does not necessarily mean that an investment company would be listed on the Exchange pursuant to proposed Rule 5.2-E(j)(9). To this point, an investment company that operates in reliance of exemptive relief providing for Multi-Class ETF Shares could also be listed as a series of Investment Company Units or Managed Fund Shares pursuant to Rules 5.2-E(j)(3) and 8.600-E, respectively, and would be subject to all requirements under each of those rules. Further to this point, in the event that a series of Multi-Class ETF Shares listed on the Exchange preferred to be listed as a series of Investment Company Units or Managed Fund Shares (as applicable), nothing would preclude such a series from changing to be listed as a series of Investment Company Units or Managed Fund Shares (as applicable), as long as the series met each of the initial and continued listing obligations under the applicable rules.

²⁷ 15 U.S.C. 78f(b)(1).

²⁸ The Exchange notes that Rules 5.2-E(j)(3) and 8.600-E include certain Holdings Standards and Distribution Standards. The Exchange believes that to the extent that manipulation concerns are mitigated based on the factors described herein, such concerns are mitigated both as it relates to the Holdings Standards and the Distribution Standards.

²⁹ The Exchange notes that the Commission came to a similar conclusion in several places in the Rule 6c-11 Release. See Rule 6c-11 Release at 15-18; 60-61; 69-70; 78-79; 82-84; and 95-96.

³⁰ The Exchange believes that this applies to all quantitative standards, whether applicable to the portfolio holdings of a series of Multi-Class ETF Shares or the distribution of the Multi-Class ETF Shares.

ensure that the requirements of Rule 6c-11 of the 1940 Act are being met. The Exchange will also employ numerous intraday alerts that will notify Exchange personnel of trading activity throughout the day that is potentially indicative of certain disclosures not being made accurately or the presence of other unusual conditions or circumstances that could be detrimental to the maintenance of a fair and orderly market.

To the extent that any of the requirements under Rule 6c-11 or the 1940 Act are not being met, the Exchange may halt trading in a series of Multi-Class ETF Shares as provided in proposed Rule 5.2-E(j)(9)(e). Further, the Exchange may also suspend trading in and commence delisting proceedings for a series of Multi-Class ETF Shares where such series is not in compliance with the applicable listing standards or where the Exchange believes that further dealings on the Exchange are inadvisable.

Further, the Exchange also represents that its surveillance procedures are adequate to properly monitor the trading of the Multi-Class ETF Shares in all trading sessions and to deter and detect violations of Exchange rules. Specifically, the Exchange intends to utilize its existing surveillance procedures applicable to derivative products, which are currently applicable to Investment Company Units, Managed Fund Shares, and ETF Shares, among other product types, to monitor trading in Multi-Class ETF Shares. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components with other markets that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, the Exchange may obtain information regarding trading in Multi-Class ETF Shares and certain of their applicable underlying components from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Additionally, FINRA, on behalf of the Exchange, is able to access trade information for certain fixed income securities that may be held by a series of Multi-Class ETF Shares reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB's EMMA system relating to municipal bond trading activity for surveillance purposes in connection with trading in a series of Multi-Class ETF Shares, to the extent that a series of Multi-Class

ETF Shares holds municipal securities. Finally, as noted above, the issuer of a series of Multi-Class ETF Shares will be required to comply with Rule 10A-3 under the Act for the initial and continued listing of Multi-Class ETF Shares, as provided under Rule 5.3-E.

The Exchange believes that permitting Multi-Class ETF Shares to list on the Exchange is consistent with the applicable exemptive relief and will help perfect the mechanism of a free and open market and, in general, will protect investors and the public interest in that it will permit the listing and trading of Multi-Class ETF Shares, consistent with the applicable exemptive relief, and in a manner that will benefit investors. Specifically, the Exchange believes that the relief proposed in the Applications and the expected benefits of the Multi-Class ETF Shares described above would be to the benefit of investors. Eliminating any unnecessary delay for additional Multi-Class ETF Shares listing on the Exchange under proposed Rule 5.2-E(j)(9) will help accrue those benefits to investors more expeditiously. Further, the Exchange is only proposing to amend its rules to allow such a series of Multi-Class ETF Shares to list on the Exchange pursuant to Rule 5.2-E(j)(9), a change to its rules that will only be meaningful if and when the Commission grants such relief to an Applicant. As noted above, the Exchange submits this proposal only to prevent any unnecessary delay in listing additional Multi-Class ETF Shares generically under Rule 5.2-E(j)(9) when and if such requests are granted by the Commission.

The Exchange also believes that proposed Rule 5.2-E(j)(9) provisions which explicitly provide the initial and continued listing standards applicable to Multi-Class ETF Shares, including the suspension of trading or removal standards, are designed to promote transparency and clarity in the Exchange's Rules. The Exchange believes that with these changes, Rule 5.2-E(j)(9) would clearly allow for the listing and trading of Multi-Class ETF Shares upon the Commission's order of exemptive relief.

The Exchange also believes that the corresponding changes to add Multi-Class ETF Shares in the Exchange's corporate governance requirements under Rule 1.1 and Rule 5.3-E discussed above will add clarity to the Exchange's rulebook. Investment Company Units, Managed Fund Shares, and ETF Shares are similarly included in these provisions. Therefore, the Exchange believes these are non-substantive changes meant only to

subject Multi-Class ETF Shares to the same exemptions and provisions currently applicable to Investment Company Units, Managed Fund Shares, and ETF Shares so that the treatment of these open-end management investment companies is consistent under the Exchange's rules.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal, by permitting the listing and trading of Multi-Class ETF Shares under exemptive relief from the 1940 Act and the rules and regulations thereunder, would introduce additional competition among various ETF products to the benefit of investors.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-

NYSEARCA–2025–39 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–NYSEARCA–2025–39. 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–NYSEARCA–2025–39 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Stephanie Fouse,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103184; File No. SR–CBOE–2025–038]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Opening Process for Simple Orders in Exclusively Listed Index Option Classes

June 4, 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 May 22, 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 amend its opening process for simple orders in exclusively listed index option classes.³ 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 Rule 5.31 regarding its opening process for simple orders for products it may exclusively list on the Exchange (except for SPX constituent option series on exercise settlement value determination dates⁴).

Current Standard Opening Process

Currently, following the occurrence of an opening rotation trigger pursuant to Rule 5.31(d), the System conducts an opening rotation for an option series. Following the opening rotation trigger, the System conducts the Maximum Composite Width Check pursuant to Rule 5.31(e)(1) to determine if a series is eligible to open. If the Composite Market⁵ of a series is not crossed, and the Composite Width⁶ of the series is less than or equal to the Maximum Composite Width (as defined in Rule 5.31(a)), the series is eligible to open. Additionally, if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity⁷ (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other, the series is eligible to open. Once a series becomes eligible to open, the System conducts the opening auction for the series (*i.e.* determines the opening trade price pursuant to Rule 5.31(e)(2) and opens the series pursuant to Rule 5.31(e)(3)). The Exchange may also determine to compel a series to open in the interest of fair and orderly markets, including if the opening width

⁴ See Rule 5.31(j).

⁵ The term “Composite Market” means the market for a series comprised of (1) the higher of the then-current best appointed Market-Maker bulk message bid on the Exchange and the away best bid (“ABB”) (if there is an ABB) and (2) the lower of the then-current best appointed Market-Maker bulk message offer on the Exchange and the away best offer (“ABO”) (if there is an ABO). The term “Composite Bid (Offer)” means the bid (offer) used to determine the Composite Market. See Rule 5.31(a).

⁶ The term “Composite Width” means the width of the Composite Market (*i.e.*, the width between the Composite Bid and the Composite Offer) of a series. See Rule 5.31(a).

⁷ A non-M Capacity order is a non-Market Maker order. See Rule 1.1, definition of Capacity for a list of other Capacities that may be attached to an order.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ An “exclusively listed option” is an option that may trade exclusively on an exchange (and its affiliated exchange) because the exchange has an exclusive license to list and trade the option or has the proprietary rights in the interest underlying the option. An exclusively listed option is different than a “singly listed option,” which is an option that is not an “exclusively listed option” but that is listed by one exchange and not by any other national securities exchange.

³¹ 17 CFR 200.30–3(a)(12).

is wider than the Maximum Composite Width, pursuant to Rule 5.31(h).

Currently, if a series cannot satisfy these conditions described above (and thus is not eligible to open), if there is no Composite Market, or if the Composite Market of a series is crossed, the series is ineligible to open.⁸ When that occurs, the Queuing Period⁹ for the series continues (including the dissemination of opening auction updates) until (i) the Maximum Composite Width Check is satisfied and the Composite Market is not crossed; (ii) there are (a) no non-M Capacity (x) market orders or (y) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (b) no orders or quotes marketable against each other if the Maximum Composite Width is not satisfied and the Composite Market is not crossed, or (iii) the Exchange determines to open the series pursuant to Rule 5.31(h). As described further herein, the Exchange may now manually increase the prescribed Maximum Composite Width during the Queuing Period in order to open up an exclusively listed option series.¹⁰

Current Forced Opening Procedures for Equity and ETP Options Classes

However, currently, if a series in an equity or ETP option class is unable to open because it does not satisfy the Maximum Composite Width Check within an Exchange-designated time period (and (i) the Composite Market is not crossed and (ii) no non-M Capacity order crosses the Composite Market midpoint)¹¹, the System forces the series to open after that time period upon the System's observation of an

ABBO¹² (with a non-zero offer) for the series.¹³

Background on the Current Opening Procedures for Exclusively Listed Options

As mentioned above, and as described further herein, the Exchange may now manually force open a series that does not satisfy the Maximum Composite Width by increasing the prescribed Maximum Composite Width during the Queuing Period in order to open up a series.¹⁴ The Exchange currently exercises more discretion through this manual process than it would through the proposed automated process as it must manually review which series are not open and can determine whether it wants to force the series open. In neither the existing process nor in the proposed automated process through the proposed modified forced open rule is there an ABBO looked to (as it does not exist).

However, under the existing manual process to increase the Maximum Composite Width, if there are no Market Maker orders, and thus no Composite Width for the Exchange to manually increase, a series will not open, unless the Exchange deems it necessary for fair and orderly markets and opens a series pursuant to Rule 5.31(h). The new rule proposes that a forced open shall occur if there is no Composite Market so long as there are no non-M Capacity orders that are crossed. As described in further detail below, the Exchange believes this is in the best interest of market participants, as the exclusively listed options generally have a strong floor presence in addition to the on-screen liquidity—it may be the case that while there is no Composite Market on screen, there are Market Makers on the floor that can fill the customer orders. Of further note, it is also the case for some Market Makers that they may not provide on-screen liquidity until after they receive the opening trigger notification. For these reasons, the Exchange believes it is in the best interest to open up these series even if no Composite Market exists and no non-M Capacity orders are crossed.

¹² The term “ABBO” means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (as defined in Rule 5.65) and calculated by the Exchange based on market information the Exchange receives from OPRA. See Rule 1.1.

¹³ See Rule 5.31(e)(4).

¹⁴ See the definition of Maximum Composite Width, which permits the Exchange to modify the Maximum Composite Width during the opening auction process (which modifications the Exchange disseminates to all subscribers via the Exchange's data feeds that deliver opening auction updates) in Rule 5.31(a).

The Exchange also notes that it may use Rule 5.31(h) to deviate from the standard opening process, including: (i) adjusting the timing of the opening rotation in any option class, (ii) modifying any time periods described in Rule 5.31, and (iii) compelling a series open, even if the Maximum Composite Width check is not satisfied, but these events may only happen manually if the Exchange determines it is necessary in the interests of a fair and orderly market. The Exchange notes that it will retain this authority still under the new proposed forced opening rule.

Proposed Forced Opening Procedures for Exclusively Listed Options

The proposed rule change expands the existing forced opening provision to now apply to exclusively listed option series, except that (i) the ABBO will not be used as a triggering factor to open a series as there is no ABBO for the exclusively listed option series and (ii) the series may open if there is no Composite Market so long as there are no non-M Capacity orders that are crossed.¹⁵ Similar to equity or ETP option classes, the series will not open if the Composite Market is crossed or if there are non-M Capacity orders that cross the Composite Market midpoint.

Specifically, as proposed, if a series in an exclusively listed option class is unable to open because it does not satisfy the Maximum Composite Width Check described above within a time period (which the Exchange determines for exclusively listed options¹⁶) after the occurrence of the opening rotation trigger for the class pursuant to Rule 5.31(d), and (i) the Composite Market is not crossed and no non-M Capacity order crosses the Composite Market midpoint or (ii) there is no Composite Market and there are no non-M Capacity orders that are crossed, the System forces the series to open after that time period. For a series subject to a forced opening, the opening trade price determination and series open set forth in Rule 5.31(e)(2) and (3) (*i.e.*, the opening auction) do not occur; instead, the System opens the series without a

¹⁵ The proposed forced opening process has no impact on the modified opening auction process set forth in Rule 5.31(j) and would not apply to SPX constituent option series on exercise settlement value determination days.

¹⁶ The proposed rule change permits the Exchange to determine one time period for all exclusively listed options and one time period for equity and ETP classes, which may be the same time period. The Exchange believes in doing so, it can best adapt to unique changes with its exclusively listed options to account for the fact that its exclusively listed options are also traded during GTH session and, in addition to being traded electronically (as the equity and ETP classes are), they are also traded open outcry as well.

⁸ See Rule 5.31(e)(1)(C).

⁹ The term “Queuing Period” means the time period prior to the initiation of an opening rotation during which the System accepts orders and quotes in the Queuing Book (the book into which Users may submit orders for participation in the opening rotation) for participation in the opening rotation for the applicable trading session. See Rule 5.31(a).

¹⁰ See the definition of Maximum Composite Width, which permits the Exchange to modify the Maximum Composite Width during the opening auction process (which modifications the Exchange disseminates to all subscribers via the Exchange's data feeds that deliver opening auction updates) in Rule 5.31(a).

¹¹ The Exchange proposes to modify the existing forced open rule for equity and ETP option classes to clarify that it will not force the open if there are non-M Capacity orders that cross the Composite Market midpoint. While the Exchange currently follows this process, it proposes to make this clear in its rule as well.

trade. This will permit a series to open for trading on the Exchange even though the market for the series on the Exchange may be wide (or if there are no quotes or orders on the book).¹⁷ As described above, the two primary distinctions between the existing manual process that is used to manually open exclusively listed options, where the Maximum Composite Width is manually widened, and the proposed forced opening process for exclusively listed options, are (i) the proposed automated process is more efficient and transparent process and (ii) an exclusively listed option series may still open even if there is no Composite Market so long as no non-M Capacity orders are crossed. However, as previously noted, the Exchange may also open up a series if it deems so necessary in the interest of a fair and orderly market pursuant to Rule 5.31(h).

If a series satisfies the Maximum Composite Width Check prior to the end of the Exchange-determined time period, the series opens pursuant to Rule 5.31(d)(2) and (3) (*i.e.*, the standard opening auction process occurs for the series). For example, suppose the Exchange determined the “forced opening” timer for exclusively listed option series to be three minutes. If the opening trigger for an exclusively listed option series occurs at 9:30:05 Eastern time but the series does not satisfy the Maximum Composite Width Check after the trigger, the System will force the series open after 9:33:05 Eastern time. However, if the series satisfies the Maximum Composite Width Check at 9:32:30, the series will open at that time in accordance with the normal opening auction process. The current rule still allows the market to open even if the market is wide by (i) manually increasing the Maximum Composite Width¹⁸ or (ii) allowing the series to open in accordance with Rule 5.31(e)(1)(B), which allows the series to open if the Composite Market of a series is not crossed, and the Composite Width of the series is greater than the Maximum Composite Width, but there are (i) no non-M Capacity (a) market orders or (b) buy (sell) limit orders with prices higher (lower) than the Composite Market midpoint and (ii) no orders or quotes marketable against each other.

¹⁷ The Exchange notes that a wide market is not a reason enough for not opening as a wide market may occur at any point during the trading day. As described further herein, it is more of a risk for participants to keep the market closed, preventing participants from managing their position exposure as other markets are already open.

¹⁸ See *supra* note 16.

No ABBO Requirement for Exclusively Listed Options

Given the current method of manually increasing the Maximum Composite Width as a way to force a series open if it does not satisfy the Maximum Composite Width, the Exchange believes the proposed rule is a better alternative to open up a series for trading, as it allows for greater transparency and clearer expectations for market participants, as well as taking away the possibility of error from manual human intervention. As described further herein, the ABBO is not a requirement for the standard opening process for any option classes, including equity and ETP option classes. Specifically, if no away markets are open in a series, there would be no ABBO for that series and thus the Composite Market for the series (and thus whether the series would open) would be based solely on the Exchange’s market for the series. Further, if the ABBO is wider than the Exchange’s market for a series, the ABBO is also not a factor into whether the System opened the series. In those cases, whether an equity or ETF option series satisfied the Maximum Composite Width check would be based solely on the Exchange’s market. With respect to the forced opening process for equity and ETP option classes, it may even be the case that the ABBO is wider than the Exchange’s market.

Differences Between the Forced Opening Process for Equity and ETP Option Classes and the Proposed Process for Exclusively Listed Options

The Exchange notes that it previously adopted a similar process to force an open for series in an equity or exchange-traded product option classes.¹⁹ The only substantive differences within these two processes is that (i) the process for exclusively listed options will not rely on the additional requirement that the system observes an ABBO after the designated time period passes since exclusively listed options will not have an ABBO as the products are not listed on any other exchange and (ii) exclusively listed option series may open if there is no Composite Market so long as there are no non-M Capacity orders that are crossing.

¹⁹ See Securities Exchange Act Release No. 90967 (January 22, 2021), 86 FR 7429 (January 28, 2021) (SR-CBOE-2021-005).

With the exception that there is not an ABBO that may be looked at first and that a Composite Market is not required to exist (so long as there are no non-M Capacity orders that are crossed), all other protections that were put into place during the inception of the forced open for equity and ETP classes will also apply to the proposed forced open for exclusively listed options. Rule 5.31(f) provides that in the event of a forced opening of a series pursuant to proposed Rule 5.31(e)(4) or a compelled opening of a series pursuant to paragraph (h), the System enters all of a User’s orders in that series in the Queuing Book²⁰ into the Book in the manner set forth in current Rule 5.31(f), unless a User instructs the System to cancel its market orders or all of its orders, in which case the System enters only the non-cancelled orders into the Book in this manner. Specifically, they will be processed in accordance with Rule 5.32 (as unexecuted orders and quotes are handled following the conclusion of the opening rotation), which describes how the System processes, handles, and executes orders. If any order or quote in the Queuing Book is marketable upon the forced opening (and the User does not instruct the System to cancel it as proposed), the System would execute marketable orders subject to the priority rules set forth in Rule 5.32. Any non-marketable order would enter the Book or cancel, subject to the User instructions. This proposed change provides Users with flexibility for automated handling of their orders in the event an exclusively listed option series opens with a wide market as opposed to the existing manual process where the Exchange manually increases the Maximum Composite Width to force an open.²¹

SPX Constituent Option Series

Lastly, the Exchange proposes to amend Rule 5.31(e)(4) to not apply the proposed forced opening process to the opening of the SPX constituent option series on exercise settlement value determination dates, as the opening auction process currently set forth in Rule 5.31(j) to calculate the exercise or

²⁰ The term “Queuing Book” means the book into which Users may submit orders and quotes (and onto which GTC and GTD orders remaining on the Book from the previous trading session or trading day, as applicable, are entered) during the Queuing Period for participation in the applicable opening rotation. Orders and quotes on the Queuing Book may not execute until the opening rotation. The Queuing Book for the GTH opening auction process may be referred to as the “GTH Queuing Book,” and the Queuing Book for the RTH opening auction process may be referred to as the “RTH Queuing Book.” See Rule 5.31(a).

²¹ See *supra* note 16.

final settlement, as applicable, of expiring VIX derivatives shall still apply to those series on those dates. Therefore, SPX constituent option series will open pursuant to Rule 5.31(j) on exercise settlement value determination dates.

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.²² Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²³ 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)²⁴ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed forced opening process for simple orders in its exclusively listed option series will remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors. The proposed rule change will provide for a series to open for trading on the Exchange sooner than it may automatically open currently. The Exchange believes the proposed rule change will benefit investors, because it may permit these options to open sooner and increase the times during which investors may conduct trading in these options, allowing participants to trade, hedge exposure, and exit positions in a timely manner. While the width of Market-Maker quotes on the Exchange (and thus the Composite Width) for an exclusively listed option series may be wider than the Maximum Composite Width²⁵ or, no Market-

Maker quotes for an exclusively listed option series are present in the book (and thus there is no Composite Market for the series), the Exchange believes it is reasonable to open the series after a certain amount of time has passed. The Exchange further notes that it does not believe wide Market Maker quotes in and of itself is an adequate reason to delay the opening, as that may occur at any time during the trading day. The Exchange understands from customers they would prefer to be able to begin trading the Exchange’s exclusively listed index options without undue delay, even in a wide market, in a timeframe more closely aligned with equities and ETP options²⁶ (there have been delays as long as ten to fifteen minutes after markets open). A delayed opening may leave participants unable to efficiently hedge, exit, and otherwise manage positions as needed, particularly because the value of the index may be changing given that the stocks comprising the index are open for trading. As a result, a delayed opening may create more investment risk for market participants than opening with a market comprised of wide or no Market-Maker quotes (which as noted above, is a market condition that may occur at any time). Additionally, the proposed ability of Users to cancel orders in the event of a forced opening will provide Users with additional protection.

As discussed above, the Exchange currently has the authority, when it deems necessary, to deviate from the standard opening process, including: (i) adjusting the timing of the opening rotation in any option class, (ii) modifying any time periods described in Rule 5.31, and (iii) compelling a series open, even if the Maximum Composite Width check is not satisfied, but these events may only happen manually if the Exchange determines it is necessary in the interests of a fair and orderly market.²⁷ The proposed rule change is consistent with the authority granted under Rule 5.31(h). Furthermore, this proposed rule change creates an automated compelled opening in certain circumstances by not needing to rely on the manual process of increasing the Maximum Composite Width that may currently be used under the definition of Maximum Composite Width under Rule 5.31(a), with the exception that a series may be forced open under this proposed rule even if no Composite Market exists, so long as there are no non-M Capacity orders crossed. This will benefit investors by providing additional transparency to the Rules

regarding when a series may open despite not satisfying the Maximum Composite Width check as well as remove impediments to and perfect the mechanism of a free and open market and a national market system by automating an otherwise manual process. Furthermore, the Exchange believes it is in the best interest of investors to allow an exclusively listed option series to open even if there is no Composite Market, so long as no non-M Capacity orders are crossed, as there may be liquidity on the floor from Market Makers. This continues to protect customer orders from executing at the open at a potentially erroneous price given that the requirement that there be no non-M Capacity orders crossed. By allowing these markets to open in a timely manner, market participants would be able to have their orders filled and manage their existing positions earlier, thus reducing potential investment risk associated with further delaying the open.

Further, as discussed above, the Exchange believes it is in the best interest of market participants to allow the Exchange discretion to determine a different time period for its exclusively listed options that may be different from the time period for its equity and ETP options. As noted, there are differences that between these groups, notably, that exclusively listed options also trade in an open outcry market in addition to trading electronically (equity and ETP options are only traded electronically on the Exchange) and exclusively listed options may also trade during the GTH trading session. Further, under Rule 5.31(h), the Exchange already has the authority to adjust any time periods under Rule 5.31, which include the forced open timers, when it deems necessary for a fair and orderly market. The Exchange proposes to make this discretion clear within the proposed rule, where the Exchange may have different timers for (i) equity and ETP options and (ii) exclusively listed options.

Additionally, by establishing this process instead of manually increasing the Maximum Composite Width, the Exchange believes this provides greater transparency and clarity and better sets out expectations for participants. The Exchange notes that it still maintains its existing authority under Rule 5.31(h) to deviate from the standard manner of the opening auction process. The Exchange does not think that not having an ABBO (as none exists for exclusively listed options) is of note, as the Exchange manually forces an open now by increasing the Maximum Composite Width and an ABBO is not required

²² 15 U.S.C. 78f(b).

²³ 15 U.S.C. 78f(b)(5).

²⁴ *Id.*

²⁵ The Exchange notes pursuant to Rule 5.31(e)(1)(B), there are currently instances in which the Exchange will open for trading despite the Composite Market Width being larger than the Maximum Composite Width.

²⁶ See Rule 5.31(e)(4).

²⁷ See Rule 5.31(h).

under that procedure. Of further note, the ABBO is not a requirement for the standard opening process for any option classes, including equity and ETP option classes. Specifically, if no away markets are open inequity or ETP options, there would be no ABBO for that series and thus the Composite Market for the series (and thus whether the series would open) would be based solely on the Exchange's market for the series. Further, if the ABBO is wider than the Exchange's market for a series, the ABBO is also not a factor into whether the System opened the series. In those cases, whether an equity or ETP option series satisfied the Maximum Composite Width check would be based solely on the Exchange's market.

Further, as previously discussed, the Exchange believes it furthers its goal of conducting fair and orderly markets by forcing its exclusively listed options to open if there is no Composite Market. In the event there is no Composite Market from there being no on-screen two-sided market from Market Maker bids and offers, and there are no non-M Capacity orders that are crossed, the Exchange believes it is in the benefit of the market to move forward with opening, so customers may commence trading. As described above, there may be liquidity on the floor from Market Makers and the Exchange understands from market participants they would rather commence trading to manage their positions even if there are wide, or no, Market-Maker quotes on the book.

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 all Users may trade in any exclusively listed option series that opens subject to the proposed forced opening process. The proposed forced opening process for exclusively listed option series is also substantially similar to the current forced opening process for equity and ETP option series, with the exception that, (i) there is no ABBO for exclusively listed option series, and thus, is not a step in the forced opening process for the exclusively listed option series and (ii) a Composite Market is not required for exclusively options, as described above. Additionally, all Users will have the opportunity to instruct the System to

cancel its market orders or all open orders in the event of a forced or otherwise manual opening. Cancellation of some or all of a User's orders in the event of such an opening would be voluntary and completely within the User's discretion.

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 change updates the opening process for exclusively listed options that may trade only on the Exchange. As discussed above, the proposed rule change will allow participants to begin trading, hedging exposure, and exiting positions in exclusively listed options in a timely manner, consistent with the timing and process the Exchange currently uses for equity and ETP options. The proposed flexibility for Users to instruct the System how to handle their orders in the event of a forced or manual opening applies only to how a User's orders on the Exchange will be handled in such a circumstance.

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

Because the foregoing proposed rule change does not:

- A. significantly affect the protection of investors or the public interest;
- B. impose any significant burden on competition; and
- C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act²⁸ and Rule 19b-4(f)(6)²⁹ thereunder.³⁰

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-2025-038 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-2025-038. 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

²⁸ 15 U.S.C. 78s(b)(3)(A).

²⁹ 17 CFR 240.19b-4(f)(6).

³⁰ 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.

SR-CBOE-2025-038 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³¹

Stephanie Fouse,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103182; File No. SR-CboeEDGX-2025-035]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 11.21 To Allow an RMO To Enter a Retail Order Onto the Exchange in a Principal Capacity

June 4, 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 May 21, 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

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) proposes to (i) amend Rule 11.21(a)(2), to allow a Retail Member Organization to enter a Retail Order onto the Exchange in a principal capacity, provided the requirements of proposed Rule 11.21(g) are satisfied; (ii) codify in proposed new Rule 11.21(g) additional requirements a Retail Member Organization must comply with in order to enter Retail Orders as principal; and (iii) amend Rule 11.21(b)(6) to require that Retail Member Organizations have in place policies and procedures reasonably designed to ensure compliance with proposed Rule 11.21(g)(1), as to ensure that the Retail Member Organization can, upon request by the Exchange, produce documentation evidencing compliance with the requirements of Rule 11.21(g). 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 (i) amend Rule 11.21(a)(2) to allow a Retail Member Organization (“RMO”) to enter a Retail Order⁴ onto the Exchange in a principal capacity, provided the requirements of Rule 11.21(g) are satisfied; (ii) codify in proposed new Rule 11.21(g) additional requirements a Retail Member Organization must comply with in order to enter Retail Orders as principal; and (iii) amend Rule 11.21(b)(6) requiring that Retail Member Organizations have in place policies and procedures reasonably designed to ensure compliance with proposed Rule 11.21(g)(1), as well to ensure that the Retail Member Organization can, upon request by the Exchange, produce documentation evidencing compliance with the requirements of Rule 11.21(g).

These proposed amendments are in response to feedback received by the Exchange from certain RMOs that have stated that the ability to enter orders in a principal capacity would better enable them to provide their retail customers

with better priced executions. Currently, RMOs are only able to enter Retail Orders onto the Exchange in either an agency or riskless principal capacity. Specifically, these RMOs have explained that the ability to handle Retail Orders in a principal capacity will enable them to provide their retail customers with post-execution price improvement that is in *addition* to any price improvement received on the Exchange. Because the price ultimately allocated to the retail customer by the RMO would differ (and notably, would always be better priced) from the price the principal order received on the Exchange, such Retail Orders would not currently qualify as riskless principal transactions.⁵ Accordingly, because Exchange rules currently only permit the entry of Retail Orders in a riskless principal or agency capacity, such post-execution price improvement is not currently permitted.

The Exchange notes that the ultimate determination as to whether an RMO may choose to execute in this manner is not something to which the Exchange has visibility. Indeed, such a decision will vary from RMO to RMO. Generally speaking, RMOs may choose to execute in this manner to satisfy certain execution quality and price improvement benchmarks RMOs have applied to their underlying retail order(s), as well as to simply provide additional price improvement as a service to their retail customer(s) or retail broker customers. Because principal orders entered in this manner are for the benefit of the underlying retail customer(s)—*i.e.*, to provide retail orders with better priced executions—the Exchange believes that such transactions are consistent with the definition of Retail Order, and the purposes of EDGX’s Retail Priority Program (discussed *infra*).

Current Definition of “Retail Order”

Currently, Rule 11.21(a)(2) provides that a Retail Order is an agency order, or a riskless principal order that meets the criteria of FINRA Rule 5320.03.⁶ A Retail Order must originate from a natural person and must be entered onto the Exchange by an RMO. The RMO is

³¹ Retail Member Organization. A “Retail Member Organization” or “RMO” is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.21 to submit Retail Orders. See Rule 11.21(a)(1).

⁴ A Retail Order is *currently* defined as “an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology.” See Rule 11.21(a)(2).

⁵ A “riskless principal” transaction is a transaction in which a member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and satisfies the original order by selling (buying) as principal at the *same* (emphasis added) price (the offsetting “riskless” leg). See FINRA Rule 5320.03—“Riskless Principal Exception”, available at: <https://www.finra.org/rules-guidance/rulebooks/finra-rules/5320>.

⁶ See FINRA Rule 5320.3, Riskless Principal Exception, available at: <https://www.finra.org/rules-guidance/rulebooks/finra-rules/5320>.

³¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

not permitted to change the terms of the order with respect to the price or side of the market, and a Retail Order may not originate from a trading algorithm or any other computerized methodology. An RMO is a Member (or a division thereof) that has been approved by the Exchange under EDGX Rule 11.21 to submit Retail Orders. Pursuant to EDGX Rule 11.21(b), which describes the qualification and application process for becoming a Retail Member Organization, any member may qualify as a Retail Member Organization if it conducts a retail business or routes retail orders on behalf of another broker-dealer.

Proposed Definition of Retail Order

The Exchange believes that retail customers are a key part of the trading ecosystem, and as such, has designed products and programs to execute Retail Orders quickly, with high execution quality and at a low-cost, with added pricing incentives. For instance, EDGX's Retail Priority Program seeks to enhance execution quality for individual customers who trade U.S. equities on EDGX. Retail Priority offers a distinct allocation model, which differs from the traditional time-based allocation model used by most U.S. equities market centers that allocate trades to orders that arrive first in time at each price point. Retail Priority focuses on improving execution quality and trading outcomes for individual customers, and the firms facilitating their orders, by reducing their time to execution. Under Retail Priority, individual customers' displayed limit orders will post at the front of the order queue for same-priced orders submitted on EDGX. Additionally, EDGX offers retail-only pricing incentives for low cost remove and premium rebates. EDGX also offers RMOs discounts on port fees and market data, and retail tiers give growing retail firms additional rebates.

EDGX offers RMOs the ability to participate in the Exchange's Retail Priority program, which seeks to enhance execution quality for individual customers who trade U.S. equities on EDGX. Specifically, Retail Priority offers a distinct patent-pending allocation model, which differs from the traditional time-based allocation model used by most U.S. equities market centers that allocate trades to orders that arrive first in time at each price point. The Retail Priority model focuses on improving execution quality and trading outcomes for individual customers, and the firms facilitating their orders, by reducing their time to execution. Under the mechanism, the displayed portion of an individual customers' Retail Priority

Order⁷ will post at the front of the order queue for same-priced orders submitted on EDGX.

The Exchange now seeks to amend Rule 11.21(a)(2) to provide that an RMO may also enter a Retail Order in a principal capacity, provided the RMO satisfies the conditions codified in proposed Rule 11.21(g). As noted above, some RMOs have expressed a desire to enter Retail Orders onto the Exchange on behalf of their retail customers in a principal capacity and subsequently provide such orders with post-execution price improvement in addition to any price improvement received on the Exchange. Because the RMO will allocate its Exchange execution to its retail customer at a different (and better) price than it received on the Exchange, such transaction can only be done in a principal capacity.

Importantly, the Exchange intends for Retail Orders to be entered on behalf of only bona fide retail customers. As such, the Exchange proposes to introduce new Rule 11.21(g), Retail Orders Entered as Principal, to codify requirements designed to ensure that Retail Orders by RMOs in a principal capacity are in fact on behalf of retail customers. Specifically, the Exchange seeks to codify that any Retail Orders entered onto the Exchange in a principal capacity by an RMO on behalf of its retail customer(s) must meet the following criteria: (i) the RMO must currently have in hand, at the time of order entry onto the Exchange, a Retail Order it seeks to execute on behalf of a retail customer (ii) the Retail Order entered by an RMO as principal must solely be for the purpose of providing post-execution price improvement to the retail customer(s) in addition to any price improvement received on the Exchange; (iii) the size of the principal order shall not be greater than that of the underlying order(s) entered on behalf of the retail customer(s); and (iv) the total number of shares executed in a principal capacity must be fully allocated to the underlying retail customer(s).

The Exchange also notes that its existing Regulatory and Surveillance departments already possess the capability to review Retail Orders to ensure that those entered in either a principal or riskless principal transaction were indeed entered and executed by the RMO on behalf of a

retail customer.⁸ For instance, the Exchange's Regulatory and Surveillance teams currently review Retail Orders entered as principal to determine whether such orders were in fact ultimately executed as riskless principal⁹ and fully allocated to the RMO's end retail customer, at the *same price*, in accordance with FINRA Rule 5320.03. While the proposed amendment would enable RMOs to allocate a trade to their end retail customer at a different price, this would not diminish the Exchange's Regulatory and Surveillance teams from ability to effectively regulate RMOs' compliance with the Exchange's Retail Order rules. Rather, the Regulatory and Surveillance functions would instead need only monitor for Retail Orders that were entered principally, but not ultimately executed as riskless principal, and further inquire with the RMO that (i) the RMO had in hand, at the time of order entry onto the Exchange, a Retail Order it sought to execute on behalf of a retail customer (ii) the Retail Order entered by an RMO as principal was solely be for the purpose of providing post-execution price improvement to the retail customer(s) in addition to any price improvement received on the Exchange; (iii) the size of the principal order was not greater than that of the underlying order(s) entered on behalf of the retail customer(s); and (iv) the total number of shares executed in a principal capacity was fully allocated to the underlying retail customer(s). In this regard, whether the order is executed principally or as riskless principal, the Exchange will still have the ability to effectively enforce its rules. Indeed, the Exchange's Regulatory and Surveillance functions already monitor for Retail Orders that are entered as riskless principal as well as principal. Notably,

⁸ The Exchange permits RMOs to enter Retail Orders onto the Exchange in an agency, principal, or riskless principal capacity. See "Capacity" in "Cboe US Equities BOE Specification", pg. 62, available at: https://cdn.cboe.com/resources/membership/Cboe_US_Equities_BOE_Specification.pdf; see also "Order Capacity" in "Cboe US Equities FIX Specification," p. 21, available at: https://cdn.cboe.com/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.

⁹ As a general matter the exchange notes that riskless principal transactions are typically entered into the marketplace as principal orders, buying the security for itself and then, post-execution, selling the security to its end-customer. If the broker-dealer sells its customer the security at the same price for which it purchased the security, this is typically called a riskless principal transaction. This transaction is known as "riskless" because the broker-dealer purchases the security, knowing that it will sell the security to its customer at the same price. See generally SEC Office of Education and Advocacy, "Investor Bulletin: How to Read Confirmation Statements," available at: https://www.sec.gov/investor/alerts/ib_confirmations.pdf.

⁷ A Retail Priority Order is a Retail Order, as defined in Rule 11.21(a)(2), that is entered on behalf of a person that does not place more than 390 equity orders per day on average during a calendar month for its own beneficial account(s). See Exchange Rule 11.9, Interpretations and Policies .01.

for the full year 2024, 25.5% of all Retail Orders entered across each of Cboe's four equities exchanges, were entered as principal, compared to only 6.4% entered as riskless principal. Therefore, as a practical matter, the Exchange is accustomed to conducting surveillance of Retail Orders entered as principal, and the proposed amendment should not pose any additional issues.

Importantly, for the purpose of determining whether an order should qualify as a Retail Order, the Exchange believes that principal orders and riskless principal orders are essentially the same order type. In addition to how it monitors and surveils Retail Orders (discussed directly above), EDGX notes that there is no difference between a Retail Order entered as a riskless principal order that meets the requirements of FINRA Rule 5320.03, and a principal order. As noted above, a riskless principal order is a transaction in which a Member, after having received an order to buy (sell) a security, purchases (sells) the security as principal and, contemporaneously, satisfies the original order by selling (buying) as principal at the *same* price. A riskless principal order involves two orders, the execution of one being dependent upon the receipt of the execution of the other. As such, there is no "risk" in the interdependent transactions when completed. Notably, riskless principal orders are typically entered onto exchanges in a *principal* capacity, and the riskless principal leg of the transaction is reflected only via a corresponding non-media trade report to a FINRA Facility.¹⁰ In this regard, the Exchange believes that the results of a riskless principal transaction and a principal transaction are the same: the customer will receive an execution while the involved Member acts as an intermediary to effect the transaction. However, instead of receiving the *same* Exchange execution price, the retail customer will now receive *better* priced execution because the RMO is now able to commit capital to that order, as principal.

A principal transaction on the Exchange that meets the requirements of

the proposed rule would occur as follows. Assume an RMO receives a market order to sell 100 shares at \$10.01 of security, ABC, from its retail customer. The RMO then enters a Retail Order onto the Exchange in a principal capacity, to sell at \$10.01. As a Retail Order, the order receives a price improved execution at \$10.012. When that execution occurs, rather than contemporaneously execute the order with its retail customer at the same price (\$10.012) exclusive of any markup or markdown, commission equivalent, or other fee (*i.e.*, consistent with FINRA Rule 5320.03), the RMO may instead choose to provide that retail customer's order with additional price improvement (*i.e.*, a price greater than \$10.012). Here, the RMO is not permitted to execute this transaction in a riskless principal capacity, because the RMO is not providing its retail customer with the *same* execution price it received on the Exchange. By permitting the RMO to use a principal order, though, the RMO was able to provide its retail customer with price improvement *in addition* to that already received on the Exchange.

Existing RMO Application Process/ Requirements & Proposed Policies and Procedures

The Exchange also notes that the proposed amendment does not present any new or material risks that the Exchange has not already mitigated through its RMO application process for orders entered onto the Exchange as Retail Orders on behalf of retail customers. Currently, Rule 11.21(b)(1)–(6) sets forth an objective process by which a Member organization applies to become an RMO. First, to qualify as a Retail Member Organization, a Member must conduct a retail routing business or route retail orders on behalf of another broker-dealer.¹¹ To become an RMO, a Member is required to submit an application form,¹² supporting documentation (*e.g.*, marketing literature, website screenshots, and other publicly disclosed materials) confirming that the applicant's order flow would meet the requirements of the Retail Order definition,¹³ and an attestation¹⁴ in a form prescribed by the

Exchange, that substantially all orders submitted as Retail Orders will qualify as such under the Rule.¹⁵ After submission of these materials, various Exchange functions, including legal and operations, review the application to assess whether the applicant's order flow complies with Exchange rules.¹⁶ Applicants are then notified, in writing, of the Exchange's decision.¹⁷

Furthermore, all RMOs must have in place policies and procedures reasonably designed to ensure that it will only designate orders as Retail Orders if all requirements of a Retail Order are met.¹⁸ These policies and procedures must require the Member to (i) exercise due diligence before entering a Retail Order to assure that entry as a Retail Order is in compliance with the requirements of the Rule, and (ii) monitor whether orders entered as Retail Orders meet the applicable requirements.¹⁹ If an RMO does not itself conduct a retail business but routes Retail Orders on behalf of another broker-dealer, the RMO's supervisory procedures must be reasonably designed to assure that the orders it receives from the other broker-dealer that are designated as Retail Orders meets the definition of a Retail Order.²⁰ In these cases, the RMO must (i) obtain an annual written representation, in a form acceptable to the Exchange, from each other broker-dealer that sends the RMO orders to be designated as Retail Orders that the entry of such orders as Retail Orders will be in compliance with the requirements of Rule 11.21; and (ii) monitor whether Retail Order flow routed on behalf of other such broker-dealers meets the applicable requirements.²¹ Importantly, the Exchange's regulatory and surveillance functions provide appropriate oversight by the Exchange by monitoring for continued compliance with the terms of these provisions. If an RMO fails to abide by the Retail Order requirements, the Exchange in its sole discretion may disqualify a Member from its status as an RMO.²² The proposed amendment will not eliminate or diminish the strength of the existing protections currently codified in Rule 11.21.

In addition, as noted further above, the Exchange has proposed

changes to the definition of "Retail Order", as well as the amendments made to the Interpretations and Policies to Rule 11.21.

¹⁵ See Rule 11.21(b)(2)(C).

¹⁶ See Rule 11.21(b)(3).

¹⁷ *Id.*

¹⁸ See Rule 11.21(b)(6).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² See Rule 11.21(b)(d)(1).

¹⁰ FINRA Members can report riskless principal transactions by submitting a single tape report to a FINRA Facility in the same manner as an agency transaction, marked with a "riskless principal" capacity indicator, excluding the mark-up or mark-down, commission-equivalent or other fee. Alternatively, members can report an OTC riskless principal transaction by submitting two (or more, as necessary) reports: (1) a tape report to reflect the initial leg of the transaction with a capacity of principal; and (2) a non-tape (regulatory or clearing-only) report to reflect the offsetting "riskless" leg of the transaction with a capacity of riskless principal.

¹¹ See Rule 11.21(b)(1).

¹² See Rule 11.21(b)(2)(A).

¹³ See Rule 11.21(b)(2)(B).

¹⁴ See, "Retail Member Organization—Broker-Dealer Customer Agreement", and "Broker-Dealer Customer Annual Attestation" of "Cboe BYX Exchange, Inc., Retail Member Organization Application", available at: https://cdn.cboe.com/resources/membership/EDGX_Retail_Member_Organization_Application.pdf. Following approval of this proposal, the Exchange will make conforming edits to the attestation reflecting the

requirements pursuant to proposed Rule 11.21(g) designed to ensure that Retail Orders entered in a principal capacity are in fact entered on behalf of bona fide customers. In conjunction with these requirements, the Exchange also proposes to amend Rule 11.21(b)(6), to codify the requirements that RMOs choosing to enter Retail Orders in a principal capacity must have in place policies and procedures reasonably designed to ensure compliance with the requirements of 11.21(g), and to ensure the RMO is able to, upon request, provide the Exchange with documentation evidencing compliance with such requirements.

Finally, the Exchange believes it important to note that as Members of the Exchange, RMOs must be registered brokers or dealers. As registered brokers or dealers, RMOs are subject to a panoply of rules, such as FINRA Rule 2010 (Standards of Commercial Honor and Principles of Trade), EDGX Rule 2.2 (Obligation of Members and the Exchange), and EDGX Rule 3.1 (Business Conduct of Members). These rules require, amongst other things, that as brokers or dealers, Members are required to conduct business with the highest standards of commercial honor, and obligate Members to comply with all Exchange rules, by-laws, and regulations.²³ While the Exchange has an obligation to maintain fair and orderly markets and carry out its duties as a self-regulatory organization, RMOs are also obligated to ensure that only orders that comply with Exchange rules are routed to the Exchange and designated as Retail Orders.

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.²⁴ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁵ 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 customers and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)²⁶ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change is consistent with these principles because it would increase competition among execution venues, encourage additional on-exchange retail liquidity, and in turn, increase the opportunities for retail customers to receive even greater levels of price improvement from RMOs that trade principally and choose to commit additional capital to their Retail Orders. The Exchange notes that a significant percentage of the orders of individual customers are executed over the counter.²⁷ By providing RMOs with an additional order capacity in which they may submit their retail orders to the Exchange, EDGX believes that more retail flow may be directed to the Exchange and have the opportunity to execute on a regulated, transparent market. Indeed, even the Commission has noted that “a very large percentage of marketable (immediately executable) order flow of individual customers is ‘executed’ or ‘internalized’ by broker-dealers in the [over-the-counter-markets].”²⁸ The Commission has also noted that a review of the order flow of eight retail brokers revealed that nearly 100% of their customer market orders were routed to over-the-counter market makers, often pursuant to payment for order flow arrangements.²⁹ By making clear to retail broker-dealers that, subject to the conditions discussed herein, they can enter and execute Retail Orders on the Exchange in a principal capacity, such market participants may be encouraged to seek on-Exchange price improvement

opportunities. In turn, an increase in the number of Retail Orders submitted onto the Exchange will encourage more retail liquidity provision, thereby deepening EDGX’s retail liquidity pool, fostering enhanced price discovery, and offering Retail Orders more price improvement opportunities as the number of liquidity providers competing to trade with Retail Orders increases.

The Exchange also believes that the proposed amendment to add principal orders to the definition of Retail Order, promotes just and equitable principles of trade and is not unfairly discriminatory. All RMOs are permitted to utilize the proposed principal order capacity and doing so is not mandatory. While some RMOs may choose not to provide additional price improvement to executions they receive on the Exchange, such possibility does not make the proposed amendment discriminatory. Indeed, to prevent all RMOs from trading in a principal capacity to provide their retail customers with additional price improvement, simply because some RMOs may choose not to do so, only disadvantages the retail customer. Moreover, each RMO has its own rationale and strategies in how to provide their retail orders with best execution, and the proposed amendment to merely permit trading in a principal capacity should not be germane to a consideration of whether certain RMOs are better positioned to trade in this manner, than others.

Moreover, proposed Rule 11.21(g) and the proposed amendment to Rule 11.21(b)(6) are designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade. Specifically, the proposed requirements under Rule 11.21(g) are designed to ensure that RMOs trade principally only on behalf of bona fide retail customers, and not the RMOs own trading account. Furthermore, the requirement that RMOs have in place policies and procedures reasonably designed to ensure compliance with Rule 11.21(g)(1) will also help to ensure that RMOs are cognizant of their regulatory obligations, thereby better ensuring their compliance with Rule 11.21(g). Additionally, Rule 11.21(b)(6)’s requirement that RMOs also have policies and procedures in place reasonably designed to ensure that RMOs can, upon request, provide the Exchange with documentation of their compliance with Rule 11.21(g) will help to ensure the Exchange can properly surveil and regulate its RMOs.

Finally, the Exchange also believes that this proposal is not designed to permit unfair discrimination between

²³ While the RMO application process discussed above does rely on information provided by the applicant, the Exchange believes that ultimately it must be allowed to rely on representations made by registered brokers or dealers that are obligated to conduct their securities business consistent with the highest standards of commercial honor, and in submitting their application, have attested to the accuracy of the information provided to the Exchange.

²⁴ 15 U.S.C. 78f(b).

²⁵ 15 U.S.C. 78f(b)(5).

²⁶ *Id.*

²⁷ Ninety-plus percent (90%) of retail marketable orders are routed to wholesalers and executed off-exchange. See Chair Gensler’s remarks, “Market Structure and the Retail Investors: Remarks Before the Piper Sandler Global Exchange Conference”, (June 2, 2022), available at: <https://www.sec.gov/news/speech/gensler-remarks-piper-sandler-global-exchange-conference-060822>.

²⁸ See Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594, 3600 (January 21, 2010) (“Concept Release on Equity Market Structure”).

²⁹ *Id.*

customers, issuers, brokers, or dealers. While certain RMOs may elect to trade principally and other RMOs may choose not to do so, the Exchange is not privy to such decision making and the Exchange does not dictate how RMOs may choose to enhance the execution quality of their Retail Orders. Just as some RMOs choosing to enter their Retail Orders onto the Exchange with more marketable or more conservative limit prices is non-discriminatory, the mere fact that the Exchange now seeks to permit an RMO to trade principally should not raise such concerns. Moreover, any RMO that satisfies the requirements of Rule 11.21(g) may enter Retail Orders onto the Exchange in a principal capacity, regardless of their size or trading volume. Likewise, trading principally is not a requirement to enter orders onto the Exchange as principal, and RMOs are free to do so, or not, consistent with their business models and order handling practices.

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 intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed amendment will help to enhance the submission of Retail Orders to the Exchange by providing RMOs with additional flexibility in how they choose to execute their retail customers' orders on the Exchange. In turn, greater overall order flow and trading opportunities benefits all market participants on the Exchange. An increase in RMO activity and liquidity providing orders will serve to enhance the Exchange's available liquidity. Deeper liquidity pools will, in turn, enhance price discovery, as well as price improvement opportunities for retail customers as liquidity providers compete for retail executions. Liquidity providers also benefit by being able to interact with retail order flow that is often executed off-exchange, and therefore generally inaccessible to those trading in the lit markets.

While the proposed definition will help to ensure that only bona fide retail customers receive the benefits afforded to Retail Orders, the segmentation afforded Retail Orders is not a novel concept in the securities market. The Commission has long recognized that U.S. capital markets should be structured with the interests of retail customers in mind³⁰ and has recently

proposed a series of rules designed, in part, to attempt to bring order flow back to the exchanges from off-exchange trading venues.³¹ In this regard, the proposed amendments should not result in any new or novel issues to be considered by the Commission or that have not already been contemplated by today's market participants. For example, many exchanges, including the Exchange's affiliate, Cboe BYX Exchange, Inc., offer retail price improvement programs designed to attract retail order flow to regulated markets and provide retail order flow with price improvement opportunities.³² Additionally, as noted in Amendment 1 of EDGX's Retail Priority filing,³³ customer priority has a long tradition in the options market where orders entered on behalf of non-broker dealer public customers have historically been afforded priority over orders submitted by registered broker dealers. The aforementioned retail price improvement programs and Retail Priority program each provide benefits to Retail Orders not afforded to other customers by segmenting retail order flow from traditional order flow. The Exchange's proposal does not encourage additional segmentation, but rather seeks to enhance existing benefits to retail customers by codifying that RMOs may utilize a principal order type in order to provide additional post-execution price improvement to Retail Orders.

Additionally, the Exchange does not believe its proposal unfairly discriminates between Retail Orders—*i.e.*, between Retail Orders that are executed principally, and Retail Orders executed in an agency or riskless principal capacity. While Retail Orders entered in a principal capacity must satisfy additional requirements compared to Retail Orders entered as agent or riskless principal, these requirements are designed to ensure that

https://www.sec.gov/files/SEC_Strategic_Plan_FY18-FY22_FINAL_0.pdf.

³¹ See Securities Exchange Act Release No. 96495 (December 14, 2022), 88 FR 128 (January 3, 2023) ("Order Competition Rule"); Securities Exchange Act Release No. 96494 (December 14, 2022), 87 FR 80266 (December 29, 2022) ("Tick Size Proposal"); Securities Exchange Act Release No. 96496 (December 14, 2022), 88 FR 5440 (January 27, 2023) ("Regulation Best Execution"); Securities Exchange Act Release No. 96493 (December 14, 2022), 88 FR 3786 (January 20, 2023) ("Disclosure of Order Execution Information").

³² See, *e.g.*, Cboe BYX Exchange Rule 11.24 (Retail Price Improvement Program); NYSE National, Inc. Rule 7.44 (Retail Liquidity Program); Investors Exchange Inc. Rule 11.232 (Retail Price Improvement Program).

³³ See Securities Exchange Act Release No. 86280 (July 2, 2019), 84 FR 32808 (July 9, 2019) ("Notice of Amendment No. 1").

the benefits of the Exchange's Retail Order program accrue only to bona retail brokers and their retail customers. Moreover, treating Retail Orders entered principally in the same manner as Retail Orders entered as agent or riskless principal equally does not unfairly discriminate between Retail Orders. The choice to enter a Retail Order principally or as agent or riskless principal, does not provide a Retail Order with any additional on-Exchange benefits—*i.e.*, whether entered as principal, riskless principal, or agent, the Retail Order will be handled in the same manner. The additional price improvement received by principal Retail Orders is fully accrued off-Exchange, when the RMO chooses to provide *additional* price improvement to their retail customers *post-execution on the Exchange*.

The Exchange further believes that the proposed rule change will increase intermarket competition by enabling the Exchange to better compete with other exchanges and off-exchange trading venues for retail order flow. The Commission has spoken about "increasing competition and enhancing the direct exposure of individual customer orders to a broader spectrum of market participants"³⁴ and the Exchange believes its proposed amendment to the definition of Retail Order will help to encourage RMOs to submit additional retail order flow to the Exchange. In turn, retail customers will have additional opportunities to receive executions on a transparent, regulated, national securities exchange in addition to the currently available off-exchange trading venues, and could also create additional incentives for regulated exchanges to develop additional liquidity programs designed at providing additional benefits to retail customers, thus promoting additional intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its

³⁰ See U.S. Securities and Exchange Commission, Strategic Plan, Fiscal Years 2018–2022, available at

³⁴ See Order Competition Rule at 178.

reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-035 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-2025-035. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All

submissions should refer to file number SR-CboeEDGX-2025-035 and should be submitted on or before July 1, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁵

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025-10450 Filed 6-9-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-103186; File No. SR-CboeBZX-2025-053]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the Canary SUI ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

June 4, 2025.

On April 8, 2025, Cboe BZX Exchange, Inc. ("BZX") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares of the Canary SUI ETF under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on April 25, 2025.³

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 9, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within

which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates July 24, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CboeBZX-2025-053).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Stephanie Fouse,

Assistant Secretary.

[FR Doc. 2025-10448 Filed 6-9-25; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2025-0850]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Remote Identification of Unmanned Aircraft Systems—Application for FAA-Recognized Identification Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection.

DATES: Written comments should be submitted by August 11, 2025.

ADDRESSES: Please send written comments:

By electronic docket:
www.regulations.gov (Enter docket number into search field).

By mail: Benjamin Walsh, FAA Flight Standards Service, Emerging Technologies Division, AFS-700, 13873 Park Center Road, Suite 475, Herndon, VA 20171.

By fax: 202-267-8233.

FOR FURTHER INFORMATION CONTACT:

Benjamin Walsh by email at: ben.walsh@faa.gov; phone: 703-230-7664 x3275.

SUPPLEMENTARY INFORMATION:

⁵ 15 U.S.C. 78s(b)(2).

⁶ 17 CFR 200.30-3(a)(31).

³⁵ 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. 102892 (Apr. 21, 2025), 90 FR 17478. The Commission has received no comment letters on the proposed rule change.

⁴ 15 U.S.C. 78s(b)(2).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0784.

Title: Remote Identification of Unmanned Aircraft Systems—Application for FAA-Recognized Identification Areas.

Form Numbers: N/A.

Type of Review: Renewal of an information collection.

Background: The collection involves information required to request establishment of an FAA-recognized Identification Area (FRIA) per the requirements in 14 CFR, section 89.210. The information to be collected will be used to determine compliance with the requirements in section 89.210 (Requests for establishment of an FAA-recognized identification area). The FAA will assess the information provided to determine if a FRIA can be established at the requested location.

FAA-Recognized Identification Areas (FRIAs) are locations where unmanned aircraft can operate without broadcasting remote identification information. FRIAs are established through an online application process where an FAA-recognized Community-Based Organization (CBO) or educational institution submits an online application using the FAA Drone Zone system (faadronezone.faa.gov). The FAA reviews the application and determines whether a FRIA can be approved at the requested location. The locations of approved FRIAs are shown on a map using the FAA UAS Data Delivery System (UDDS) website (<https://udds-faa.opendata.arcgis.com/>). FRIAs are established for a period of 48-months and can be renewed.

The FRIA application includes:

- (1) The name of the CBO or educational institution making the request.
- (2) The name of the individual making the request on behalf of the CBO or educational institution.
- (3) A declaration that the person making the request has the authority to act on behalf of the CBO or educational institution.
- (4) The name and contact information, including telephone number(s), of the

primary point of contact for communications with the FAA.

(5) The physical address of the proposed FRIA.

(6) The geographic boundaries of the proposed FRIA.

(7) If applicable, a copy of any existing FAA letter of agreement regarding the flying site.

(8) Description of the intended purpose of the FRIA and why the proposed FAA-recognized identification area is necessary for that purpose.

(9) Information about the intended usage of the FRIA, including whether the FRIA is located at an existing or new flying site, the type of UAS expected to operate at the FRIA, and the average duration and frequency of UAS flights.

Respondents: Persons authorized to submit an application to establish a FRIA on behalf of an FAA-recognized Community-Based Organization or educational institution.

Frequency: On-occasion, with renewal applications submitted every 48-months.

Estimated Average Burden per Response: 2 Hours per response.

Estimated Total Annual Burden: One response per respondent per year. Approximately 2,008 total responses per year for all respondents for a total annual estimated burden of 4,016 hours.

Issued in Washington, DC, on June 4, 2025.

Joseph Morra,

Manager, Emerging Technologies Division, AFS-700.

[FR Doc. 2025-10459 Filed 6-9-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Operating Limitations at Newark Liberty International Airport, Order Establishing Targeted Scheduling Limits

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Order establishing targeted scheduling limits at Newark Liberty International Airport.

I. Introduction

This Order establishes a reduced targeted scheduling limit on the number of scheduled operations at Newark Liberty International Airport (EWR) reflected in authorized scheduled timings. The Acting Administrator of the Federal Aviation Administration (FAA) is issuing this Order as a result of a persistent number of flights above

capacity at EWR and the delay reduction proceedings. This Order is in the interest of airspace safety and intends to relieve the substantial inconvenience to the traveling public caused by excessive flight delays at the airport due to construction, staffing challenges, and recent equipment issues, which magnify as they spread through the National Airspace System. This Order aims to provide a more efficient use of the nation's airspace and alleviate temporary conditions exacerbating delays at EWR. This Order takes effect on June 6, 2025, and expires on December 31, 2025.

II. Background

The U.S. Government has exclusive sovereignty over the airspace of the United States.¹ Under this broad authority, Congress has delegated to the Administrator extensive and plenary authority to ensure the safety of aircraft and the efficient use of the nation's navigable airspace. In this regard, the Administrator is required to assign the use of navigable airspace by regulation or order under such terms, conditions and limitations as he may deem necessary to ensure its efficient use.² The Administrator may modify or revoke an assignment when required in the public interest.³ Furthermore, in carrying out the Administrator's safety responsibilities under the statute, the Administrator must consider controlling the use of the navigable airspace and regulating civil operations in that airspace in the interest of the safety and efficiency of those operations.⁴

The FAA's statutory authority to manage "the efficient use of airspace" encompasses its management of the nationwide system of air commerce and air traffic control. Ensuring the efficient use of the airspace means that the FAA must take all necessary steps to prevent extreme congestion at an airport from disrupting or adversely affecting the overall air traffic system for which the FAA is responsible. Further, delays at EWR frustrate the efficient operations of air carriers transporting passengers to and from this important region. The impacts of delays at EWR spread throughout the national airspace system (NAS), resulting in substantial economic

¹ 49 U.S.C. 40103.

² 49 U.S.C. 40103(b)(1), as previously codified in 49 U.S.C. App. § 307(a). Title 49 was recodified by Public Law 103-222, 108 Stat. 745 (1994). The textual revisions were not intended to result in substantive changes to the law. The recodification stated that the words in § 307(a) "under such terms, conditions, and limitations as he may deem" were omitted as surplus. H. Rpt. 103-180 (103d Cong., 1st Sess. 1993) at 262.

³ *Id.*

⁴ 49 U.S.C. 40101(d)(4).

loss for the traveling public, air carriers, shippers, and others.

EWR Level 2 Designation

On April 6, 2016, the FAA designated EWR as a Level 2 schedule-facilitated airport under the International Air Transportation Association (IATA) Worldwide Slot Guidelines (WSG), effective October 30, 2016.⁵

The FAA does not allocate slots, apply historic precedence, or impose minimum usage requirements at EWR. Level 2 schedule facilitation depends upon close and continuous discussions and voluntary agreement between carriers and the FAA to reduce congestion. At Level 2 airports, the FAA provides priority consideration for flights approved by the FAA and operated by the carrier in those approved times in the prior scheduling season when the FAA reviews proposed flights for facilitation in the next corresponding scheduling season. Only those flights that were actually operated as approved in the prior scheduling season generally receive priority for the next corresponding scheduling season. However, the FAA notes that the usual Level 2 processes include flexibility for the facilitator to prioritize planned flights that are canceled in advance or on the day of the scheduled operation due to operational impacts beyond the control of the carrier.

Although the FAA redesignated EWR from a Level 3 to Level 2 airport in 2016, the FAA has continuously monitored the airport's performance due to its prominence in the NAS and impact on the system overall. As such, EWR implemented targeted scheduling limits in an effort to minimize delay and congestion. The current baseline targeted scheduling limit for EWR is 77 operations per hour.⁶ The FAA has implemented a number of mitigations to address delays at the airport due to staffing challenges and runway construction.

Staffing-Related Relief at EWR

On March 27, 2023, the FAA announced a limited policy for prioritizing up to ten percent of a carrier's returned operations at EWR, due to post-pandemic effects on ATC staffing at New York Terminal Radar Approach Control (TRACON) (N90), for purposes of establishing a carrier's operational baseline in the next corresponding season.⁷ The FAA determined that the interdependency and complexity of the airspace, number

of flights into the New York City region, and N90 staffing shortfalls met the applicable waiver standard for the N90's Level 3 airports and justified an offer of relief for carriers at EWR. The FAA extended this relief through the close of the Summer 2025 Scheduling Season.⁸ This relief is part of a continuous effort, in partnership with air carriers, to manage traffic at EWR safely and efficiently while staffing levels improve.

EWR Construction

On November 20, 2024, the FAA announced a limited, conditional policy for prioritizing returned operations at EWR due to a construction-related runway closure at EWR for purposes of establishing a carrier's operational baseline in the next corresponding scheduling seasons.⁹ Runway 4L–22R was scheduled to be closed daily from April 15, 2025, through June 15, 2025.¹⁰ Weekend closures of Runway 4L–22R were scheduled from March 1, 2025, to April 14, 2025, and will resume September 1, 2025, to December 31, 2025, from Friday at 11 p.m. through 5 a.m. on Sunday, Eastern Time.

The FAA worked with carriers prior to issuing the policy to address the impact this runway closure has on scheduled operations for the Summer 2025 and Winter 2025/2026 scheduling seasons. The FAA requested that carriers reduce operations from April 15, 2025, through June 15, 2025, to no more than 35 arrivals per hour from 6 a.m. to 2 p.m., Eastern Time and no more than 31 arrivals per hour from 3 p.m. to the end of the day, Eastern Time. The FAA also requested that carriers reduce operations to no more than 35 departures per hour through 4 p.m., Eastern Time, and no more than 31 departures per hour from 5 p.m. through the end of the day, Eastern Time. The FAA stated that no new requested timings would be approved during the runway closure period.

Air Traffic Controller Staffing Status

Since July of 2024, Philadelphia TRACON (PHL) has been the TRACON facility responsible for overseeing the Newark area. PHL's targeted staffing number is 114 Certified Professional

Controllers (CPCs); the current onboard number at PHL is 82, representing 71.9% staffed. Area C, overseeing the Newark area, has a targeted staffing number of 38 CPCs, with its current staff of 24 CPCs representing 63% staffed. Under an arrangement by the previous administration, by the end of July 2026, 16 CPCs currently assigned to Area C will return to N90, which previously oversaw the Newark area. Actions are currently underway to train CPCs for Area C and to replace those 16 CPCs. PHL currently has 26 trainees, and many of these have previous experience at higher level facilities and are expected to certify in less time than typical. This pipeline of personnel will allow the FAA to build up CPC staffing for Area C.

Equipment Outages

EWR recently experienced technology outages. The FAA is taking steps to immediately shore up the reliability of equipment and operations at EWR considering these outages. However, currently, these outages lead to disruptions that cause delays and impact operations at EWR.

Delay Reduction Meeting

The FAA convened a delay reduction meeting with U.S. air carrier participants with a minimum of 10 scheduled arrivals at EWR and representatives from the PANYNJ on May 14, 2025, and the meeting continued until its recess on May 16, 2025. The FAA held individual sessions over the three days with seven air carriers and the PANYNJ. In these meetings, the FAA and carriers discussed voluntary modifications to schedules during the construction period and through the rest of the Summer 2025 scheduling season. Representatives of the Department of Justice's Antitrust Division and the Department of Transportation (DOT) monitored the joint and individual meeting sessions of the delay reduction meeting. In addition, the in-person sessions were transcribed.

Interim Order Establishing Targeted Scheduling Limits

On May 20, 2025, the FAA issued an interim Order reducing the targeted scheduling limits temporarily at EWR for the construction period and through the end of the Summer 2025 scheduling season.¹¹ The interim Order established a targeted hourly arrival rate of no more than 28 operations, with a corresponding departure rate of 28 operations, resulting in no more than 56

⁵ 81 FR 19861 (April 6, 2016).

⁶ 89 FR 43501 (May 17, 2024).

⁷ 88 FR 18032 (March 27, 2023).

⁸ 90 FR 12931 (March 19, 2024).

⁹ 89 FR 91544 (November 20, 2024).

¹⁰ On June 2, 2025, Secretary of Transportation Sean Duffy, Acting FAA Administrator Christopher Rocheleau, and the Port Authority of New York and New Jersey announced that Runway 4L–22R reopened 13 days ahead of schedule, allowing regular runway operations to resume for Instrument Flight Rules operations once FAA conducts the necessary check flights. <https://www.panynj.gov/port-authority/en/press-room/press-release-archives/2025-press-releases/governor-murphy-and-the-port-authority-of-new-york-and-new-jersey.html>.

¹¹ 90 FR 22147 (May 23, 2025).

total operations per hour during the remainder of the construction period. The construction period was defined as the scheduled daily closure of Runway 4L/22R until June 15, 2025, and weekends from September 1, 2025, through December 31, 2025, from Friday at 11 p.m. through 5 a.m. on Sunday. Outside of the construction period, through the end of Summer 2025 scheduling season on October 25, 2025, the targeted scheduling limit is 34 arrivals per hour, with a corresponding departure rate of 34 operations, resulting in no more than 68 total operations per hour. The interim Order remained in effect until the issuance of this final Order.

III. Comments Regarding Competition and Long-Term Plans To Address EWR Congestion and Delays

By the close of the public comment period on May 28, 2025, the FAA received nine comments on the interim Order. Commenters included United Airlines (United), the American Economic Liberties Project (AELP), Association of Value Airlines (AVA), Spirit Airlines (Spirit), the Port Authority of New York and New Jersey (PANYNJ), and several anonymous commenters. The comments indicated support for the delay reduction proceedings and the FAA and DOT's efforts to address congestion at EWR. Commenters also noted the competition concerns that arise when carriers are asked to reduce operations.

United reiterated its strong commitment to improving the efficiency and safety of EWR and pointed out the need for a long-term solution to address congestion at EWR. United stated that it worked diligently to make "deep, good faith" reductions in its operations at EWR. The carrier noted that this came at significant cost to United but was in the best interest of the passengers flying through EWR. Additionally, given CPC staffing issues and technology challenges, United suggested extending the scheduling reduction process to cover the Winter 2025/26 and Summer 2026 scheduling seasons. Beyond the delay reduction proceedings, United requested that EWR be designated as a Level 3 slot-controlled airport to manage congestion, improve scheduling transparency, and ensure fair operations among all carriers.

The DOT and the FAA appreciate United's participation in the delay reduction process and understand its concerns regarding future demand at EWR, particularly around upcoming major events. While consideration of a return to Level 3 slot controls at EWR, or the extension of the scheduling

reduction process through the Summer 2026 schedule season, are beyond the scope of this final Order, the DOT and the FAA intend to continue working with all stakeholders to ensure that EWR is a safe, efficient, and functional gateway for passengers and air carriers.

AELP stated that United holds most of the operations at EWR and urged that operational restrictions not disproportionately harm low-fare carriers that provide competition. AELP stated there are 33 air carriers serving the airport and United operates between 65% to 70% of the total operations. AELP urged the FAA to avoid creating a chilling effect on market share or reduce low-fare options for passengers at EWR if the targeted operational limitations impacted the other 32 carriers disproportionately.

The DOT and the FAA understand and share AELP's concerns about ensuring adequate competition, not only at EWR but across the U.S. aviation system. The schedule reductions accomplished through the delay reduction process are intended to be temporary and cooperative. Both the DOT and the Department of Justice actively participated in the delay reduction process to address competition equities.

AVA and Spirit expressed similar concerns as AELP with respect to requesting that low-fare carriers not be subject to further reductions and urged FAA and DOT to consider competition at EWR when applying reductions. Additionally, Spirit requested that the FAA implement a formal cap on peak-hour flight authorizations, limiting any single carrier to no more than 50% of the peak-hour slots, to allow low-fare carriers like Spirit to increase their presence and maintain competition. Finally, AVA stated that any final Order imposing scheduling limitations should be reevaluated on a seasonal basis.

The DOT and the FAA are not seeking additional mandatory schedule reductions in this final Order. Spirit's request that carriers should be subject to a limit on the number of hourly operations they can hold would require regulatory changes that are beyond the scope of this proceeding.

In response to AVA's request that scheduling limitations be reviewed seasonally, part of the scheduling limitations in this final Order will expire at the close of the Summer 2025 scheduling season and the remaining scheduling limitations will expire December 31, 2025. The DOT and the FAA intend to consult with all stakeholders before proceeding with any scheduling limitations or relief beyond those dates.

The PANYNJ supported the FAA's effort to mitigate both the immediate and long-term issues related to efficiency and safety EWR but requested to collaborate with the DOT and the FAA to create a transparent plan to return EWR to full operating capacity. PANYNJ also noted the necessity for continued federal investment to prioritize improvements of CPCs and infrastructure at all the NY/NJ area airports. PANYNJ also stated that it believed some of the staffing and technology challenges may have stemmed from relocating EWR's airspace management from the New York TRACON to PHL.

The DOT and the FAA understand and share PANYNJ's interest in the efficient and safe operation of EWR. The DOT and the FAA plan to implement upgrades to airport infrastructure and equipment across the U.S. Further, the FAA is continuously monitoring EWR for efficiency and safety.

An anonymous commenter recommended that this final Order should require all affected carriers to proactively inform passengers of their rights, rebooking options, and refund eligibility for flights cancelled or rescheduled as a result of the Order.

These issues are outside of the scope of the FAA's purview and are more appropriate for the DOT's Office of Aviation Consumer Protection.

An anonymous commenter asked if the FAA analyzed the greenhouse gas emissions impact of taxi, delay, and rerouting operations caused by congestion and construction at EWR, and will emissions reductions be factored into future scheduling decisions.

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraphs 5–6.5. j, 5–6.6.d, and 5–6.6.f. the FAA's NEPA review looked at all applicable environmental impacts, including climate and air quality. This action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment. The CATEx determination will be placed in the docket associated with these proceedings.¹²

An anonymous commenter asked if the FAA would publish anonymized, but disaggregated data on flight reduction allocations by carrier, to allow public scrutiny of whether major,

¹² Docket No. FAA–2008–0021.

minor, and new entrant carriers are treated equitably.

The FAA will not be publishing data on flight reduction by carrier, as that information falls under the protection of business confidentiality by carrier request. The public can obtain flight origin and destination data via the Bureau of Transportation Statistics to review changes in carrier service.

An anonymous commenter asked what protections the FAA will implement to prevent service cuts from disproportionately targeting flights to small and rural airports that already face limited connectivity and higher fares.

While the DOT and the FAA understand the importance of connectivity and access for small and rural communities, neither the DOT nor the FAA have the authority to regulate airline routes or fares.

An anonymous commenter stated that the FAA should provide periodic public reporting on antitrust compliance and inter-carrier communications, ensuring that the process remains pro-competitive and aligned with the public interest.

Neither the DOT nor the FAA have authority related to antitrust compliance. However, the Department of Justice participated in the delay reduction proceedings to monitor compliance with all antitrust requirements.

An anonymous commenter recommended the FAA should hold community listening sessions, virtual and in-person, for travelers, airport workers, and residents in the EWR catchment area, including language access for non-English speakers.

In light of the urgent need to address delays and ensure safety at EWR, the FAA will not be holding community listening sessions at this time. However, the public has been given notice and the opportunity to provide comments in the docket.

An anonymous commenter suggested the final Order should include a mandatory sunset review, with public notice and opportunity for comment, to ensure flight limits are not extended beyond necessity and that recovery in access, competition, and employment is prioritized.

This Order is applicable for a limited period. The DOT and the FAA's goal is to ensure maximum capacity in the NAS to ensure the economic benefits of aviation are realized, and the DOT and the FAA are prioritizing investments to achieve that goal. As well, the FAA continuously monitors performance data at EWR to ensure safe and efficient operations.

An anonymous commenter also recommended that the FAA should require a public equity assessment to ensure that flight reductions do not affect low-income, minority, and immigrant communities; that the FAA should require carriers to submit a labor impact statement outlining how flight reductions will affect personnel, with a commitment to minimize layoffs and offer scheduling flexibility; and asked whether the FAA will provide real-time public access to data on delays, cancellations, and schedule adherence during the affected periods, to empower passenger decision-making and independent oversight.

These issues are outside the scope of this proceeding.

Finally, two anonymous commenters requested personnel changes at the DOT. These comments are outside the scope of this proceeding.

IV. Hourly Targeted Scheduling Limitations

The FAA's targeted scheduling limits remain consistent with the reductions and corresponding time periods established in the interim Order. Although the daily closure of Runway 4L-22R lifted on June 2, 2025, for Visual Flight Rules (VFR) traffic, the runway will not be open for Instrument Flight Rules (IFR) traffic until the FAA conducts check flights. Moreover, this development has not adjusted the targeted scheduling limits. Further, the FAA did not receive any public comments suggesting different limits for FAA to consider.

From the date of issuance of this Order until June 15, 2025, and on weekends from September 1, 2025, through December 31, 2025, from Friday at 11 p.m. through 5 a.m. on Sunday, Eastern Time, the targeted limit is no more than 28 arrivals and 28 departures per hour. Outside of the construction period, until the close of the Summer 2025 scheduling season, October 25, 2025, the limit is no more than 34 arrivals and 34 departures per hour.

The FAA will continue to work with carriers to ensure more balanced operations within each 15-minute interval of each schedule-facilitated hour.

V. Foreign Air Carriers

Prior to the issuance of this Order, the FAA notified all stakeholders, including foreign carriers, of the delay reduction meeting. Subsequent to the meeting, the FAA reached out to foreign carriers with at least 10 roundtrip operations per day at EWR to assess their operations and to allow them the opportunity to propose any voluntary schedule reductions or

modifications that may alleviate congestion at EWR. In response, one foreign carrier provided schedule reductions at EWR.

VI. Unscheduled Operations and New Scheduled Operations

The FAA will not accommodate new scheduled operations at EWR. Permitting new scheduled operations could exacerbate the existing conditions and undo the purpose of the delay reduction meeting, which is to achieve operational stability at EWR.

The FAA will continue to accommodate other unscheduled operations, such as cargo, charter, or nonscheduled foreign carrier operations, on a "first come, first serve" basis to the extent such operators can be accommodated at EWR. All requests must be submitted to and approved by the FAA Slot Administration at 7-awa-slotadmin@faa.gov. In addition, these operations must also obtain approval from the EWR terminal to operate. The FAA encourages operators to utilize nearby airports to access the region while this Order is in effect.

VII. Operational Flexibility

Based on the FAA's experience with capacity-constrained airports, the FAA anticipates that carriers may occasionally need to modify their schedules for operational or other reasons while this Order is in effect. Accordingly, this Order provides a mechanism through which such carriers can modify their schedules.

Carriers operating at EWR must obtain the Administrator's written approval before making a schedule change to outside the hourly window associated with an authorized timing.

The FAA also recognizes that the Winter 2025/2026 schedule submission date was May 15, 2025. The FAA will work with carriers to accommodate schedules proposed for Saturdays in the construction period in the Winter 2025/2026 Scheduling Season.

The FAA recognizes that there may be unexpected disruptions due to operation issues, weather, or other circumstances beyond the carrier's control. Since EWR is a Level 2 airport, The FAA will work the carrier on any additional relief needed to prioritize impacted operations for the purposes of establishing operational baselines for the next corresponding season.

VIII. National Environmental Policy Act

The FAA has determined that this action qualifies for categorical exclusion (CATEX) under the National Environmental Policy Act (42 U.S.C.

4321, *et seq.*) in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraphs 5–6.5.j, 5–6.6.d, and 5–6.6.f. The CATEX listed in FAA Order 1050.1F, paragraph 5–6.5.j applies to the following category of actions:

“Implementation of procedures to respond to emergency air or ground safety needs, accidents, or natural events with no reasonably foreseeable long-term adverse impacts.” The FAA has determined that the circumstances at EWR, including ongoing construction of a major runway, Air Traffic Control telecommunications failures, and insufficient Air Traffic Control staffing levels rise to the level of emergency air or ground safety needs. Moreover, there are no reasonably foreseeable long-term adverse impacts given that the Order is of limited duration and involves only reduced, as opposed to increased, operations.

The CATEX listed in FAA Order 1050.1F, paragraph 5–6.6.d applies to: “Issuance of regulatory documents (*e.g.*, Notices of Proposed Rulemaking and issuance of Final Rules) covering administrative or procedural requirements.” The CATEX in paragraph 5–6.6.f applies to: “Regulations, standards, and exemptions (excluding those that if implemented may cause a significant impact on the human environment).” The FAA has determined that these CATEX categories are applicable as well.

This action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that would preclude the use of this CATEX and require a higher level of NEPA review.

IX. Order

Accordingly, with respect to flight operations at EWR, under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103, 40113, and 41722, it is hereby ordered that:

1. This Order modifies the targeted scheduling limit for arrivals and departures at EWR during the affected hours for the U.S. air carriers who operate at EWR as reflected by authorized scheduled timings. The FAA will not accommodate authorized scheduled timings under this Order to any person or entity other than a certificated U.S. air carrier with appropriate economic authority and the FAA operating authority under 14 CFR part 121, 129, or 135. This Order further affirms that the FAA will not

accommodate new requests or re-timings into schedule-facilitated hours with 34 arrivals and 34 departures if such a request will result in exceeding the hourly limit. Finally, the FAA will accommodate unscheduled operations in certain hours throughout the schedule-facilitated day, on a “first come, first serve” basis. All requests must be submitted to and approved by the FAA Slot Administration at 7-awa-slotadmin@faa.gov. The FAA Vice President, System Operations Services, is the final decision-maker for determinations under this paragraph. The provisions in paragraphs 2 through 11 below apply to the following:

a. All U.S. air carriers conducting scheduled operations at EWR as of the date of this Order, any U.S. air carrier that operates under the same designator code as such carrier, and any air carrier that has or enters into a codeshare agreement with such carrier.

b. All U.S. air carriers operating scheduled or regularly conducted commercial service to EWR while this Order is in effect.

2. This Order establishes daily targeted scheduled arrivals and departures at EWR from 6 a.m. through 10:59 p.m., Eastern Time, until October 25, 2025, and on weekends from September 1, 2025, through December 31, 2025, from Friday at 11 p.m. through 5 a.m. on Sunday.

3. This Order takes effect on June 6, 2025, and expires on December 31, 2025.

4. The following procedures apply to authorized scheduled timings at EWR:

a. Scheduled air carrier arrivals and departures should not exceed 28 per hour, respectively, from 6 a.m. through 10:59 p.m., Eastern Time until June 15, 2025, and weekends from September 1, 2025, through December 31, 2025, from Friday at 11 p.m. through 5 a.m. on Sunday, Eastern Time. From June 16, 2025, through October 25, 2025, arrivals and departures should not exceed 34 per hour, respectively, aside from the Saturdays designated as part of the construction period when the lower targeted rate applies.

b. The Administrator may change the targeted limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. Carriers will retain historic priority for the next corresponding season for authorized scheduled timings reduced or re-timed under the delay reduction proceedings.

6. A carrier operating an authorized scheduled timing may request the Administrator’s approval to move any arrival or departure scheduled from 6

a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph seven, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any scheduled arrival or departure. All requests to move an authorized scheduled timing must be submitted to the FAA Slot Administration Office at 7-AWA-Slotadmin@faa.gov, and must come from a designated representative of the carrier.

7. Notice of a swap must be submitted in writing to the FAA Slot Administration Office at 7-AWA-Slotadmin@faa.gov and must come from a designated representative of each carrier. FAA must confirm and approve these exchanges in writing prior to the effective date of the exchange.

8. Any authorized scheduled timing not used during the remainder of the Summer 2025 scheduling season or applicable dates in the Winter 2025/2026 scheduling season will not be prioritized for the purposes of establishing an operational baseline for the next corresponding season unless the carrier notifies the FAA of a request for prioritization. The FAA and the DOT will review these requests. The FAA will respond to the carrier with an acknowledgement of the request and a determination.

9. If the FAA determines that a further reduction in targeted scheduled operations is needed, the FAA may call an additional scheduling reduction meeting pursuant to 49 U.S.C. 41722.

10. The FAA may enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to \$75,000 for every flight it operates above the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to \$16,630 for every flight it operates above the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

11. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on June 6, 2025.

Christopher J. Rocheleau,

Acting Administrator, Federal Aviation Administration.

[FR Doc. 2025–10613 Filed 6–6–25; 4:15 pm]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. FAA–2025–0562]****Agency Information Collection****Activities: Request for Comments;
Clearance of a New Approval of
Information Collection: Pilot Medical
Disclosure Decision Making Model for
Safety Risk Assessment Survey****AGENCY:** Federal Aviation
Administration (FAA), DOT.**ACTION:** Notice and request for
comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The collection involves a short online survey gathering information on medical disclosure behaviors of working pilots. The information to be collected will be used to and/or is necessary to update the current safety risk assessments for integration into the Aviation Safety (AVS), Office of Aviation Medicine (AAM) Safety Risk Management process.

DATES: Written comments should be submitted by August 4, 2025. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By Mail: CAMI Bldg. 13, 6500 South MacArthur Blvd., Oklahoma City, OK 73169, Attention: Tammy Ho.

FOR FURTHER INFORMATION CONTACT:

Tammy Ho by email at tammy.t.ho@faa.gov or by phone at (405) 954–0334.

SUPPLEMENTARY INFORMATION: *Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–XXXX.

Title: Requests for Comments;
Clearance of a New Approval of

Information Collection: Pilot Medical Disclosure Decision Making Model for Safety Risk Assessment Survey.

Form Numbers: NA.

Type of Review: Clearance of new information collection.

Background: The Office of Aerospace Medicine (AVS/AAM) is developing a pilot medical disclosure decision making model in to support current and future safety risk assessments. Following the Mental Health Aviation Rulemaking Committee's recommendation, AVS/AAM and the Office of Safety Standards (AFS) conducted a joint safety risk assessment on pilot medical non-disclosure. The assessment identified the need for a validated model of pilot medical disclosure decision-making to better estimate safety risks.

The survey will consist of approximately 50 questions pertaining to the behavioral and decisions motivation behind medical disclosure. The survey's anticipated completion time is 10–25 minutes. The findings will lead to a final report with a peer-reviewed manuscript submission to a targeted journal.

Respondents: Career Pilots; Part 121 pilots.

Frequency: One-time response.

Estimated Average Burden per

Response: 10–25 minutes.

Estimated Total Annual Burden: 10–25 minutes.

Tammy Ho,

*Psychology Technician, NAS Human Factors
Safety Research Laboratory (AAM–520),
Aerospace Human Factors Research Division,
Civil Aerospace Medical Institute.*

[FR Doc. 2025–10481 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Pipeline and Hazardous Materials
Safety Administration****[Docket No. PHMSA–2018–0042]****Pipeline Safety: Request for Special
Permit**

AGENCY: Pipeline and Hazardous
Materials Safety Administration
(PHMSA); Department of Transportation
(DOT).

ACTION: Notice.

SUMMARY: On June 3, 2019, PHMSA granted special permit PHMSA–2018–0042 to Golden Pass LNG Terminal LLC (GPLNG) for a six-year term, which will expire on June 2, 2025. PHMSA–2018–0042 waives compliance from certain regulations for the liquefied natural gas (LNG) import terminal (GPLNG

Terminal) located in Jefferson County, Texas. PHMSA is publishing this notice to solicit public comments on a request from GPLNG to extend the term for special permit PHMSA–2018–0042 until June 2, 2028. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by July 10, 2025.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website:* <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number for the special permit request at the beginning of your comments. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at <http://www.regulations.gov>.

Note: A privacy statement is published on <https://www.regulations.gov>. Comments, including any personal information provided, are posted without changes or edits to <https://www.regulations.gov>.

Confidential Business Information

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

comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as “Confidential”; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Lee Cooper, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by phone at 202–913–3171 or by email at lee.cooper@dot.gov.

Technical: Mr. Thach Nguyen by phone at 909–262–4464 or by email at thach.d.nguyen@dot.gov.

SUPPLEMENTARY INFORMATION: On December 3, 2024, PHMSA received a request from GPLNG to renew special permit PHMSA–2018–0042 for three more years after the expiration date, which will extend the term of the special permit until June 3, 2028. Special permit PHMSA–2018–0042 allows GPLNG to deviate from the Federal pipeline safety regulations in 49 CFR 193.2603(a) and (b); 193.2607; 193.2609; 193.2619(c) and (e); 193.2631; and 193.2635(e) at the GPLNG Terminal, where all LNG facilities are under nitrogen purge. The GPLNG Terminal has not been operational since June 2012.

PHMSA granted special permit PHMSA–2018–0042 on June 3, 2019 with an original expiration date of June 2, 2025 for the GPLNG Terminal located in Jefferson County, Texas. The GPLNG Terminal consists of marine berths, LNG storage tanks, vaporization facilities, and other supporting facilities for LNG import operations. The additional three-year term will allow GPLNG to complete construction of the export facilities, including three liquefaction trains, and connect them to the existing facilities at the GPLNG Terminal for LNG export operations.

GPLNG’s renewal request, active special permit with conditions, and final environmental assessment (FEA) are available for review and public comment in Docket No. PHMSA–2018–

0042. The existing FEA, with a conclusion of no significant negative impact, remains adequate, pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). No further environmental assessment is required for this proposal. PHMSA invites interested persons to review and submit comments in the docket on the special permit renewal request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit renewal request. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the closing date. Comments received after the closing date will be evaluated if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, on June 2, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–10345 Filed 6–9–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Lending Limits

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, “Lending Limits.”

DATES: Comments must be received by August 11, 2025.

ADDRESSES: Commenters are encouraged to submit comments by email, if

possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel’s Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0221, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

- *Fax:* (571) 293–4835.

Instructions: You must include “OCC” as the agency name and “1557–0221” in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice’s 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Hover over the “Information Collection Review” tab and click on “Information Collection Review” from the drop-down menu. From the “Currently under Review” drop-down menu, select “Department of Treasury” and then click “submit.” This information collection can be located by searching OMB control number “1557–0221” or “Lending Limits.” Upon finding the appropriate information collection, click on the related “ICR Reference Number.” On the next screen, select “View Supporting Statement and Other Documents” and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel’s Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf,

hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally 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 OCC is publishing notice of the renewal/revision of this collection.

Title: Lending Limits.

OMB Control No.: 1557–0221.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Twelve CFR 32.7(a) provides that, in addition to the amount that a national bank or savings association may lend to one borrower under 12 CFR 32.3, an eligible bank or savings association may make:

- Residential real estate loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank or savings association is permitted to lend under the state lending limit that is available for residential real estate loans or unsecured loans in the state where the main office of the national bank or savings association is located. Any such loan or extension of credit must be secured by a perfected first-lien security interest in 1–4 family real estate in an amount that does not exceed 80 percent of the appraised value of the collateral at the time the loan or extension of credit is made;

- Loans to small businesses to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank is permitted to lend under the state lending limit that is available for loans to small businesses or unsecured loans in the state where the main office of the national bank or home office of the savings association is located; and

- Loans or extensions of credit to small farms to one borrower in the

lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a state bank or savings association is permitted to lend under the state lending limit that is available for loans or extensions of credit to small farms or unsecured loans in the state where the main office of the national bank or savings association is located.

An eligible national bank or savings association must submit an application to, and receive approval from, its supervisory office before using the supplemental lending limits in 12 CFR 32.7(a)(1)–(3). The supervisory office may approve a completed application if it finds that approval is consistent with safety and soundness. Section 32.7(b) provides that, in order for an application to be deemed complete, the application must include:

- Certification that the bank or savings association is an “eligible bank” or “eligible savings association;”
- Citations to relevant state laws or regulations;
- A copy of a written resolution by a majority of the bank’s or savings association’s board of directors approving the use of the limits in § 32.7(a) and confirming the terms and conditions for use of this lending authority; and
- A description of how the board will exercise its continuing responsibility to oversee the use of this lending authority.

Twelve CFR 32.9(b)(1) outlines three alternative methods (the Internal Model Method, the Conversion Factor Matrix Method, and the Current Exposure Method) for national banks and savings associations to use in calculating the credit exposure of non-credit derivative transactions. Twelve CFR 32.9(c) outlines two alternative methods for national banks and savings associations to use in calculating credit exposure arising from their securities financing transactions.

Under 12 CFR 32.9(b)(1)(i)(C), the use of a model (other than the model approved for purposes of 12 CFR 3.132(d) or 324.132(d)) must be approved in writing by the OCC specifically for part 32 purposes. If a national bank or savings association proposes to use an internal model that has been approved by the OCC for purposes of 12 CFR 3.132(d) or 324.132(d), the institution must provide prior written notification to the OCC prior to use of the model for lending limits purposes. OCC approval also is required for any substantive revisions to an approved model before that model is used for lending limit purposes.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 295.

Estimated Total Annual Burden: 1,958 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC’s estimate of the burden of the collection of information;

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

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

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–10497 Filed 6–9–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel’s Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel’s Joint Committee Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions to improve customer service at the Internal Revenue Service. This meeting will be held as a virtual video conference via the Microsoft Teams platform.

DATES: The meeting will be held Thursday, July 24, 2025, at 2 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227, 202–317–4115, or by email at taxpayer.advocacy.panel@irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section

10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that an open meeting of the Taxpayer Advocacy Panel Joint Committee Project Committee will be held on Thursday, July 24, 2025, at 2 p.m. Eastern Time.

The public is invited to attend the meeting virtually, or by phone, and may provide oral comments or submit written statements for consideration. Due to meeting structure and time limitations, advance registration is required to attend or make public comments during the meeting. To register and receive meeting access information, please contact Rosalind Matherne at the contact information above no later than Thursday, July 18, 2025.

Meeting materials, including the agenda and any handouts, will be made available prior to the meeting at www.improveirs.org.

The agenda will include a committee discussion of new and continuing issues and other activities related to the new TAP year.

Dated: June 2, 2025.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2025-10581 Filed 6-9-25; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
Yemen

Lindsay Kitzinger,

International Tax Counsel, (Tax Policy).

[FR Doc. 2025-10496 Filed 6-9-25; 8:45 am]

BILLING CODE 4810-AK-P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory and Clinical Science (BL/CS) Research and Development Services Scientific Merit Review Board, Federal Register Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. 10, that a meeting of the Joint Biomedical Laboratory Research and Development (BLR&D) and Clinical Science Research and Development (CSR&D) Services Scientific Merit Review Board will be held July 8, 2025, from 3-5 p.m. EST, via Microsoft Teams. The meeting will be partially closed to the public, with an open portion from 3-3:30 p.m. The closed portion, from 3:30-5 p.m., will be used for scientific review and discussion, examination of, and reference to the research applications. Discussions will involve staff and consultant critiques of research proposals. Discussions will also cover the scientific merit of each proposal and the qualifications of the personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by Public Law 92-463 subsection 10(d), and amended by Public Law 94-409, closing the committee meeting is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B).

The objective of the Board is to provide for the fair and equitable

selection of the most meritorious research projects for support by VA research funds and to offer advice for research program officials on program priorities and policies. The ultimate objective of the Board is to ensure the high quality and mission relevance of VA's legislatively mandated BL/CS Research and Development programs.

Board members will advise the Directors of the BL/CS Research Services, as well as the Acting Chief Research and Development Officer, on the scientific and technical merit, mission relevance, and protection of human subjects of the proposals submitted to BL/CS. The Board does not consider grants, contracts, or other forms of extramural research.

Members of the public may attend the open portion of the meeting from 3-3:30 p.m. EST, via Microsoft Teams (in listen-only mode, as the time limited agenda does not allow for public comment or presentations). To attend the open portion of the meeting, the public may dial the Microsoft Teams phone number (1-872-701-0185) and enter the meeting access code (513 797 246#).

Written comments from members of the public should be sent to Michael R. Burgio, Ph.D., Designated Federal Officer, Advisory Committee Management Office, 811 Vermont Avenue NW, Room 4342A, Washington, DC 20006, or to Michael.Burgio@va.gov, at least five days before the meeting. The written public comments will be shared with the Board members. The public may not attend the closed portion of the meeting, as disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals (per Pub. L. 92-463 subsection 10(d) and amended by Pub. L. 94-409, closing the meeting is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B)).

Dated: June 5, 2025.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2025-10468 Filed 6-9-25; 8:45 am]

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Part II

The President

Proclamation 10948—Enhancing National Security by Addressing Risks at Harvard University

Proclamation 10949—Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats

Presidential Documents

Title 3—

Proclamation 10948 of June 4, 2025

The President

Enhancing National Security by Addressing Risks at Harvard University

By the President of the United States of America

A Proclamation

Admission into the United States to attend, conduct research, or teach at our Nation's institutions of higher education is a privilege granted by our Government, not a guarantee. That privilege is necessarily tied to the host institution's compliance and commitment to following Federal law. Harvard University has failed in this respect, among many others.

The Student Exchange Visa Program (SEVP) depends fundamentally on academic institutions' good faith, transparency, and full adherence to the relevant regulatory frameworks. This is for crucial national-security reasons. The Federal Bureau of Investigation (FBI) has long warned that foreign adversaries and competitors take advantage of easy access to American higher education to, among other things, steal technical information and products, exploit expensive research and development to advance their own ambitions, and spread false information for political or other reasons. Our adversaries, including the People's Republic of China, try to take advantage of American higher education by exploiting the student visa program for improper purposes and by using visiting students to collect information at elite universities in the United States.

Protecting our national security requires host institutions of foreign students to provide sufficient information, when asked, to enable the Federal Government to identify and address misconduct by those foreign students. In my judgment, it presents an unacceptable risk to our Nation's security for an academic institution to refuse to provide sufficient information, when asked, about known instances of misconduct and criminality committed by its foreign students. This principle is one reason why SEVP regulations require foreign students to obey Federal and State criminal laws and require universities to keep records about foreign students' studies in the United States—including records relating to criminal activity by foreign students and resulting disciplinary proceedings—and furnish them to the Department of Homeland Security (DHS) on request.

Crime rates at Harvard University—including violent crime rates—have drastically risen in recent years. Harvard has failed to discipline at least some categories of conduct violations on campus. Given these facts, it is imperative, in my judgment, that the Federal Government be able to assess and, if necessary, address misconduct and crimes committed by foreign students at Harvard.

Despite the risks described above, Harvard University has refused the recent requests of the DHS for information about foreign students' "known illegal activity," "known dangerous and violent activity," "known threats to other students or university personnel," "known deprivation of rights of other classmates or university personnel," and whether those activities "occurred on campus," and other related data. Harvard provided data on misconduct by only three students, and the data it provided was so deficient that the DHS could not evaluate whether it should take further actions. Harvard's actions show that it either is not fully reporting its disciplinary records for foreign students or is not seriously policing its foreign students. In

my judgment, these actions and failures directly undermine the Federal Government's ability to ensure that foreign nationals admitted on student or exchange visitor visas remain in compliance with Federal law.

These concerns have compelled the Federal Government to conclude that Harvard University is no longer a trustworthy steward of international student and exchange visitor programs. When a university refuses to uphold its legal obligations, including its recordkeeping and reporting obligations, the consequences ripple far beyond the campus. They jeopardize the integrity of the entire United States student and exchange visitor visa system, compromise national security, and embolden other institutions to similarly disregard the rule of law.

Harvard University has also developed extensive entanglements with foreign countries, including our adversaries. According to *The Harvard Crimson*, Harvard has received more than \$150 million in total contributions from foreign governments over the last 5 years, and over \$1 billion from foreign sources. Over the last 10 years, Harvard has received more than \$150 million from China alone. In exchange, Harvard has, among other things, "repeatedly hosted and trained members of a Chinese Communist Party paramilitary organization," according to a probe by the House of Representatives Select Committee on the Chinese Communist Party. Harvard researchers have also partnered with China-based individuals on research that could advance China's military modernization, according to the same probe.

Finally, Harvard University continues to flout the civil rights of its students and faculty, triggering multiple Federal investigations. Harvard's discrimination against disfavored races in admissions was so blatant that the Supreme Court decision ending the practice nationwide bears Harvard's name. Yet even after that Supreme Court decision, Harvard and its affiliated organizations on campus continue to deny hardworking Americans equal opportunities. Instead of those Americans, Harvard admits students from non-egalitarian nations, including nations that seek the destruction of the United States and its allies, or the extermination of entire peoples. It is not in the interest of the United States to further compound Harvard's discrimination against non-preferred races, national origins, shared ancestries, or religions by further reducing opportunities for American students through excessive foreign student enrollment.

Considering these facts, I have determined that it is necessary to restrict the entry of foreign nationals who seek to enter the United States solely or principally to participate in a course of study at Harvard University or in an exchange visitor program hosted by Harvard University. Such restrictions are authorized under sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), which authorize the President to suspend entry of any class of aliens whose entry would be detrimental to the interests of the United States. I have determined that the entry of the class of foreign nationals described above is detrimental to the interests of the United States because, in my judgment, Harvard's conduct has rendered it an unsuitable destination for foreign students and researchers. Until such time as the university shares the information that the Federal Government requires to safeguard national security and the American public, it is in the national interest to deny foreign nationals access to Harvard under the auspices of educational exchange.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the entry into the United States of persons described in section 1 of this proclamation would, except as provided for in section 2 of this proclamation, be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I hereby proclaim as follows:

Section 1. *Suspension of Entry.* The entry of any alien into the United States as a nonimmigrant to pursue a course of study at Harvard University under section 101(a)(15)(F) or section 101(a)(15)(M) of the INA, 8 U.S.C. 1101(a)(15)(F) or 1101(a)(15)(M), or to participate in an exchange visitor program hosted by Harvard University under section 101(a)(15)(J) of the INA, 8 U.S.C. 1101(a)(15)(J), is suspended and limited, subject to section 2 of this proclamation. That suspension and limitation shall expire, absent extension, 6 months after the date of this proclamation.

Sec. 2. *Scope and Implementation of Suspension and Limitation on Entry.*

(a) The suspension and limitation on entry pursuant to section 1 of this proclamation shall apply to aliens who enter or attempt to enter the United States to begin attending Harvard University through the SEVP after the date of this proclamation.

(b) The Secretary of State shall consider, in the Secretary's discretion, whether foreign nationals who currently attend Harvard University and are in the United States pursuant to F, M, or J visas and who otherwise meet the criteria described in section 1 of this proclamation should have their visas revoked pursuant to section 221(i) of the INA, 8 U.S.C. 1201(i).

(c) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to any alien who enters the United States to attend other universities through the SEVP.

(d) The suspension and limitation on entry pursuant to section 1 of this proclamation shall not apply to any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

(e) No later than 90 days after the date of this proclamation, the Attorney General and the Secretary of Homeland Security shall jointly submit to the President, through the Assistant to the President for National Security Affairs, a recommendation on whether an extension or renewal of the suspension and limitation on entry in section 1 of this proclamation is in the interests of the United States.

Sec. 3. *Operational Action to Implement this Order.* The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall coordinate to take all necessary and appropriate action to implement this proclamation. The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall also consider using their respective authorities under the INA to impose limitations on Harvard University's ability to participate in the SEVP and the Student and Exchange Visitor Information System. Any such actions should include an exception for any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

Sec. 4. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

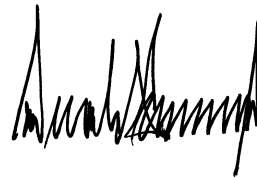
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This proclamation 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.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, 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.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

[FR Doc. 2025-10668

Filed 6-9-25; 11:15 am]

Billing code 3395-F4-P

Presidential Documents

Proclamation 10949 of June 4, 2025

Restricting the Entry of Foreign Nationals To Protect the United States From Foreign Terrorists and Other National Security and Public Safety Threats

By the President of the United States of America

A Proclamation

During my first Administration, I restricted the entry of foreign nationals into the United States, which successfully prevented national security threats from reaching our borders and which the Supreme Court upheld. In Executive Order 14161 of January 20, 2025 (Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats), I stated that it is the policy of the United States to protect its citizens from aliens who intend to commit terrorist attacks, threaten our national security, espouse hateful ideology, or otherwise exploit the immigration laws for malevolent purposes.

I also stated that the United States must be vigilant during the visa-issuance process to ensure that those aliens approved for admission into the United States do not intend to harm Americans or our national interests. More importantly, the United States must identify such aliens before their admission or entry into the United States. The United States must ensure that admitted aliens and aliens otherwise already present in the United States do not bear hostile attitudes toward its citizens, culture, government, institutions, or founding principles, and do not advocate for, aid, or support designated foreign terrorists or other threats to our national security.

I directed the Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, to identify countries throughout the world for which vetting and screening information is so deficient as to warrant a full or partial suspension on the admission of nationals from those countries pursuant to section 212(f) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f). After completing that process, the Secretary of State determined that a number of countries remain deficient with regards to screening and vetting. Many of these countries have also taken advantage of the United States in their exploitation of our visa system and their historic failure to accept back their removable nationals.

As President, I must act to protect the national security and national interest of the United States and its people. I remain committed to engaging with those countries willing to cooperate to improve information-sharing and identity-management procedures, and to address both terrorism-related and public-safety risks. Nationals of some countries also pose significant risks of overstaying their visas in the United States, which increases burdens on immigration and law enforcement components of the United States, and often exacerbates other risks related to national security and public safety.

Some of the countries with inadequacies face significant challenges to reform efforts. Others have made important improvements to their protocols and procedures, and I commend them for these efforts. But until countries with identified inadequacies address them, members of my Cabinet have recommended certain conditional restrictions and limitations. I have considered and largely accepted those recommendations and impose the limitations

set forth below on the entry into the United States by the classes of foreign nationals identified in sections 2 and 3 of this proclamation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the INA, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant and nonimmigrant entry into the United States of persons described in sections 2 and 3 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks and other national security or public-safety threats. Screening and vetting protocols and procedures associated with visa adjudications and other immigration processes play a critical role in implementing that policy. These protocols enhance our ability to detect foreign nationals who may commit, aid, or support acts of terrorism, or otherwise pose a safety threat, and they aid our efforts to prevent such individuals from entering the United States.

(b) Information-sharing and identity-management protocols and practices of foreign governments are important for the effectiveness of the screening and vetting protocols and procedures of the United States. Governments manage the identity and travel documents of their nationals and residents. They also control the circumstances under which they provide information about their nationals to other governments, including information about known or suspected terrorists and criminal-history information. It is, therefore, the policy of the United States to take all necessary and appropriate steps to encourage foreign governments to improve their information-sharing and identity-management protocols and practices and to regularly share their identity and threat information with the immigration screening and vetting systems of the United States.

(c) Section 2(b) of Executive Order 14161 directed the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, within 60 days of the date of that order, to jointly submit to the President, through the Assistant to the President for Homeland Security, a report identifying countries throughout the world for which vetting and screening information is so deficient as to warrant a full or partial suspension on the entry or admission of nationals from those countries pursuant to section 212(f) of the INA (8 U.S.C. 1182(f)).

(d) On April 9, 2025, the Secretary of State, with the Assistant to the President for Homeland Security, presented the report described in subsection (c) of this section, recommending that entry restrictions and limitations be placed on foreign nationals of several countries. The report identified countries for which vetting and screening information is so deficient as to warrant a full suspension of admissions and countries that warrant a partial suspension of admission.

(e) In evaluating the recommendations from the Secretary of State and in determining what restrictions to impose for each country, I consulted with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, appropriate Assistants to the President, the Director of National Intelligence, and the Director of the Central Intelligence Agency. I considered foreign policy, national security, and counterterrorism goals. And I further considered various factors, including each country's screening and vetting capabilities, information sharing policies, and country-specific risk factors—including whether each country has a significant terrorist presence within its territory, its visa-overstay rate, and its cooperation with accepting back its removable nationals.

I also considered the different risks posed by aliens admitted on immigrant visas and those admitted on nonimmigrant visas. Persons admitted on immigrant visas become lawful permanent residents of the United States. Such persons may present national security or public-safety concerns that may be distinct from those admitted as nonimmigrants. The United States affords lawful permanent residents more enduring rights than it does to nonimmigrants. Lawful permanent residents are more difficult to remove than nonimmigrants, even after national security concerns arise, which increases the costs and aggravates the dangers of errors associated with admitting such individuals. And although immigrants are generally subject to more extensive vetting than nonimmigrants, such vetting is far less reliable when the country from which someone seeks to emigrate maintains inadequate identity-management or information-sharing policies or otherwise poses risks to the national security of the United States.

I reviewed these factors and assessed these goals, with a particular focus on crafting country-specific restrictions. This approach was designed to encourage cooperation with the subject countries in recognition of each country's unique circumstances. The restrictions and limitations imposed by this proclamation are, in my judgment, necessary to prevent the entry or admission of foreign nationals about whom the United States Government lacks sufficient information to assess the risks they pose to the United States. The restrictions and limitations imposed by this proclamation are necessary to garner cooperation from foreign governments, enforce our immigration laws, and advance other important foreign policy, national security, and counterterrorism objectives.

(f) After reviewing the report described in subsection (d) of this section, and after accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have determined to fully restrict and limit the entry of nationals of the following 12 countries: Afghanistan, Burma, Chad, Republic of the Congo, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Somalia, Sudan, and Yemen. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants.

(g) I have determined to partially restrict and limit the entry of nationals of the following 7 countries: Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela. These restrictions distinguish between, but apply to both, the entry of immigrants and nonimmigrants.

(h) Sections 2 and 3 of this proclamation describe some of the identity-management or information-sharing inadequacies that led me to impose restrictions. These inadequacies are sufficient to justify my finding that unrestricted entry of nationals from the named countries would be detrimental to the interests of the United States. Publicly disclosing additional details on which I relied in making these determinations, however, would cause serious damage to the national security of the United States, and many such details are classified.

Sec. 2. Full Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to the categorical exceptions and case-by-case waivers described in section 5 of this proclamation:

(a) *Afghanistan*

(i) The Taliban, a Specially Designated Global Terrorist (SDGT) group, controls Afghanistan. Afghanistan lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures. According to the Fiscal Year 2023 Department of Homeland Security (DHS) Entry/Exit Overstay Report ("Overstay Report"), Afghanistan had a business/tourist (B-1/B-2) visa overstay rate of 9.70 percent and a student (F), vocational (M), and exchange visitor (J) visa overstay rate of 29.30 percent.

(ii) The entry into the United States of nationals of Afghanistan as immigrants and nonimmigrants is hereby fully suspended.

(b) *Burma*

(i) According to the Overstay Report, Burma had a B–1/B–2 visa overstay rate of 27.07 percent and an F, M, and J visa overstay rate of 42.17 percent. Additionally, Burma has historically not cooperated with the United States to accept back their removable nationals.

(ii) The entry into the United States of nationals of Burma as immigrants and nonimmigrants is hereby fully suspended.

(c) *Chad*

(i) According to the Overstay Report, Chad had a B–1/B–2 visa overstay rate of 49.54 percent and an F, M, and J visa overstay rate of 55.64 percent. According to the Fiscal Year 2022 Overstay Report, Chad had a B–1/B–2 visa overstay rate of 37.12 percent. The high visa overstay rate for 2022 and 2023 is unacceptable and indicates a blatant disregard for United States immigration laws.

(ii) The entry into the United States of nationals of Chad as immigrants and nonimmigrants is hereby fully suspended.

(d) *Republic of the Congo*

(i) According to the Overstay Report, the Republic of the Congo had a B–1/B–2 visa overstay rate of 29.63 percent and an F, M, and J visa overstay rate of 35.14 percent.

(ii) The entry into the United States of nationals of the Republic of the Congo as immigrants and nonimmigrants is hereby fully suspended.

(e) *Equatorial Guinea*

(i) According to the Overstay Report, Equatorial Guinea had a B–1/B–2 visa overstay rate of 21.98 percent and an F, M, and J visa overstay rate of 70.18 percent.

(ii) The entry into the United States of nationals of Equatorial Guinea as immigrants and nonimmigrants is hereby fully suspended.

(f) *Eritrea*

(i) The United States questions the competence of the central authority for issuance of passports or civil documents in Eritrea. Criminal records are not available to the United States for Eritrean nationals. Eritrea has historically refused to accept back its removable nationals. According to the Overstay Report, Eritrea had a B–1/B–2 visa overstay rate of 20.09 percent and an F, M, and J visa overstay rate of 55.43 percent.

(ii) The entry into the United States of nationals of Eritrea as immigrants and nonimmigrants is hereby fully suspended.

(g) *Haiti*

(i) According to the Overstay Report, Haiti had a B–1/B–2 visa overstay rate of 31.38 percent and an F, M, and J visa overstay rate of 25.05 percent. Additionally, hundreds of thousands of illegal Haitian aliens flooded into the United States during the Biden Administration. This influx harms American communities by creating acute risks of increased overstay rates, establishment of criminal networks, and other national security threats. As is widely known, Haiti lacks a central authority with sufficient availability and dissemination of law enforcement information necessary to ensure its nationals do not undermine the national security of the United States.

(ii) The entry into the United States of nationals of Haiti as immigrants and nonimmigrants is hereby fully suspended.

(h) *Iran*

(i) Iran is a state sponsor of terrorism. Iran regularly fails to cooperate with the United States Government in identifying security risks, is the source of significant terrorism around the world, and has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of Iran as immigrants and nonimmigrants is hereby suspended.

(i) *Libya*

(i) There is no competent or cooperative central authority for issuing passports or civil documents in Libya. The historical terrorist presence within Libya's territory amplifies the risks posed by the entry into the United States of its nationals.

(ii) The entry into the United States of nationals of Libya as immigrants and nonimmigrants is hereby fully suspended.

(j) *Somalia*

(i) Somalia lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures. Somalia stands apart from other countries in the degree to which its government lacks command and control of its territory, which greatly limits the effectiveness of its national capabilities in a variety of respects. A persistent terrorist threat also emanates from Somalia's territory. The United States Government has identified Somalia as a terrorist safe haven. Terrorists use regions of Somalia as safe havens from which they plan, facilitate, and conduct their operations. Somalia also remains a destination for individuals attempting to join terrorist groups that threaten the national security of the United States. The Government of Somalia struggles to provide governance needed to limit terrorists' freedom of movement. Additionally, Somalia has historically refused to accept back its removable nationals.

(ii) The entry into the United States of nationals of Somalia as immigrants and nonimmigrants is hereby fully suspended.

(k) *Sudan*

(i) Sudan lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures. According to the Overstay Report, Sudan had a B-1/B-2 visa overstay rate of 26.30 percent and an F, M, and J visa overstay rate of 28.40 percent.

(ii) The entry into the United States of nationals of Sudan as immigrants and nonimmigrants is hereby fully suspended.

(l) *Yemen*

(i) Yemen lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures. The government does not have physical control over its own territory. Since January 20, 2025, Yemen has been the site of active United States military operations.

(ii) The entry into the United States of nationals of Yemen as immigrants and nonimmigrants is hereby fully suspended.

Sec. 3. *Partial Suspension of Entry for Nationals of Countries of Identified Concern.*

(a) *Burundi*

(i) According to the Overstay Report, Burundi had a B-1/B-2 visa overstay rate of 15.35 percent and an F, M, and J visa overstay rate of 17.52 percent.

(ii) The entry into the United States of nationals of Burundi as immigrants, and as nonimmigrants on B-1, B-2, B-1/B-2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Burundi to the extent permitted by law.

(b) *Cuba*

(i) Cuba is a state sponsor of terrorism. The Government of Cuba does not cooperate or share sufficient law enforcement information with the United States. Cuba has historically refused to accept back its removable nationals. According to the Overstay Report, Cuba had a B-1/B-2 visa overstay rate of 7.69 percent and an F, M, and J visa overstay rate of 18.75 percent.

(ii) The entry into the United States of nationals of Cuba as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Cuba to the extent permitted by law.

(c) *Laos*

(i) According to the Overstay Report, Laos had a B–1/B–2 visa overstay rate of 34.77 percent and an F, M, and J visa overstay rate of 6.49 percent. Laos has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of Laos as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas, is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Laos to the extent permitted by law.

(d) *Sierra Leone*

(i) According to the Overstay Report, Sierra Leone had a B–1/B–2 visa overstay rate of 15.43 percent and an F, M, and J visa overstay rate of 35.83 percent. Sierra Leone has historically failed to accept back its removable nationals.

(ii) The entry into the United States of nationals of Sierra Leone as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Sierra Leone to the extent permitted by law.

(e) *Togo*

(i) According to the Overstay Report, Togo had a B–1/B–2 visa overstay rate of 19.03 percent and an F, M, and J visa overstay rate of 35.05 percent.

(ii) The entry into the United States of nationals of Togo as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Togo to the extent permitted by law.

(f) *Turkmenistan*

(i) According to the Overstay Report, Turkmenistan had a B–1/B–2 visa overstay rate of 15.35 percent and an F, M, and J visa overstay rate of 21.74 percent.

(ii) The entry into the United States of nationals of Turkmenistan as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Turkmenistan to the extent permitted by law.

(g) *Venezuela*

(i) Venezuela lacks a competent or cooperative central authority for issuing passports or civil documents and it does not have appropriate screening and vetting measures. Venezuela has historically refused to accept back its removable nationals. According to the Overstay Report, Venezuela had a B–1/B–2 visa overstay rate of 9.83 percent.

(ii) The entry into the United States of nationals of Venezuela as immigrants, and as nonimmigrants on B–1, B–2, B–1/B–2, F, M, and J visas is hereby suspended.

(iii) Consular officers shall reduce the validity for any other nonimmigrant visa issued to nationals of Venezuela to the extent permitted by law.

Sec. 4. Scope and Implementation of Suspensions and Limitations. (a) *Scope.* Subject to the exceptions set forth in subsection (b) of this section and

any exceptions made pursuant to subsections (c) and (d) of this section, the suspensions of and limitations on entry pursuant to sections 2 and 3 of this proclamation shall apply only to foreign nationals of the designated countries who:

- (i) are outside the United States on the applicable effective date of this proclamation; and
- (ii) do not have a valid visa on the applicable effective date of this proclamation.
- (b) *Exceptions.* The suspension of and limitation on entry pursuant to sections 2 and 3 of this proclamation shall not apply to:
 - (i) any lawful permanent resident of the United States;
 - (ii) any dual national of a country designated under sections 2 and 3 of this proclamation when the individual is traveling on a passport issued by a country not so designated;
 - (iii) any foreign national traveling with a valid nonimmigrant visa in the following classifications: A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6;
 - (iv) any athlete or member of an athletic team, including coaches, persons performing a necessary support role, and immediate relatives, traveling for the World Cup, Olympics, or other major sporting event as determined by the Secretary of State;
 - (v) immediate family immigrant visas (IR-1/CR-1, IR-2/CR-2, IR-5) with clear and convincing evidence of identity and family relationship (e.g., DNA);
 - (vi) adoptions (IR-3, IR-4, IH-3, IH-4);
 - (vii) Afghan Special Immigrant Visas;
 - (viii) Special Immigrant Visas for United States Government employees; and
 - (ix) immigrant visas for ethnic and religious minorities facing persecution in Iran.

(c) Exceptions to the suspension of and limitation on entry pursuant to sections 2 and 3 of this proclamation may be made for certain individuals for whom the Attorney General finds, in her discretion, that the travel by the individual would advance a critical United States national interest involving the Department of Justice, including when individuals must be present to participate in criminal proceedings as witnesses. These exceptions shall be made only by the Attorney General, or her designee, in coordination with the Secretary of State and the Secretary of Homeland Security.

(d) Exceptions to the suspension of and limitation on entry pursuant to sections 2 and 3 of this proclamation may be made case-by-case for individuals for whom the Secretary of State finds, in his discretion, that the travel by the individual would serve a United States national interest. These exceptions shall be made by only the Secretary of State or his designee, in coordination with the Secretary of Homeland Security or her designee.

Sec. 5. *Adjustments to and Removal of Suspensions and Limitations.* (a) The Secretary of State shall, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director for National Intelligence, devise a process to assess whether any suspensions and limitations imposed by sections 2 and 3 of this proclamation should be continued, terminated, modified, or supplemented. Within 90 days of the date of this proclamation, and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall submit a report to the President, through the Assistant to the President for Homeland Security, describing his assessment and recommending whether any suspensions and limitations imposed by sections 2 and 3 of this proclamation should be continued, terminated, modified, or supplemented.

(b) The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall immediately engage each of the countries identified in sections 2 and 3 of this proclamation on measures that must be taken to comply with United States screening, vetting, immigration, and security requirements.

(c) Additionally, and in light of recent events, the Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence, shall provide me an update to the review of the practices and procedures of Egypt to confirm the adequacy of its current screening and vetting capabilities.

Sec. 6. *Enforcement.* (a) The Secretary of State and the Secretary of Homeland Security shall consult with appropriate domestic and international partners, including countries and organizations, to ensure efficient, effective, and appropriate implementation of this proclamation.

(b) In implementing this proclamation, the Secretary of State and the Secretary of Homeland Security shall comply with all applicable laws and regulations.

(c) No immigrant or nonimmigrant visa issued before the applicable effective date of this proclamation shall be revoked pursuant to this proclamation.

(d) This proclamation shall not apply to an individual who has been granted asylum by the United States, to a refugee who has already been admitted to the United States, or to an individual granted withholding of removal or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the CAT, consistent with the laws of the United States.

Sec. 7. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, foreign policy, and counterterrorism interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision of this proclamation to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision of this proclamation to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 8. *Effective Date.* This proclamation is effective at 12:01 a.m. eastern daylight time on June 9, 2025.

Sec. 9. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

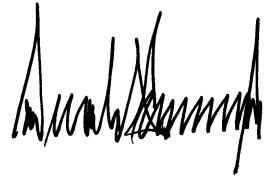
(i) the authority granted by law to an executive department or agency, or the head thereof; or

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

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

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by 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.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, 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.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the lower right quadrant of the page.

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