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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318, 325, 331, 351, 381, 560

[Docket No. FSIS–2025–0014]

RIN 0583–AE03

Publication Method of Lists of States With and Without State Meat or Poultry Inspection Programs

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: FSIS is amending the Federal meat and poultry products inspection regulations to remove its lists of states that do not operate their own meat or poultry inspection (MPI) programs that are ''at least equal to'' FSIS' Federal inspection programs and have therefore been designated for FSIS' Federal inspection. FSIS is also amending the regulations to remove or revise related cross references to the lists. Going forward, FSIS will maintain lists of states with and without MPI programs on its website to ensure that the public has accurate and timely access to information about State and Federal inspection programs.

DATES: The final rule is effective on June 26, 2025.

FOR FURTHER INFORMATION CONTACT: Denise Eblen, Acting Deputy Under Secretary for the Office of Food Safety, at (202) 205–0495 or *docketclerk@usda.gov* with a subject line of ''Docket No. FSIS 2025–0014.'' 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: Under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), FSIS has the authority to designate states that do not maintain MPI programs ''at least equal to'' FSIS' Federal inspection programs (21 U.S.C. 645, 661(c), 454(c), 460(e)) and to recognize those that do (21 U.S.C. 661(a), 454(a)). FSIS has historically codified its list of states without MPI programs in 9 CFR 331.2, 331.6, 381.221, and 381.224.

FSIS is removing these lists from its regulations and will instead maintain up-to-date lists on the FSIS website at *www.fsis.usda.gov.* FSIS is also removing or revising related cross references to the lists of designated states without MPI programs. These changes will improve transparency, accuracy, and ease of access for stakeholders.

This rule is solely an administrative change to the format and location of the lists of designated states without MPI programs. This action will not change FSIS' criteria for approving state MPI programs. FSIS will continue to review state MPI programs to verify that they are ''at least equal to'' FSIS' Federal inspection. Because FSIS is not required to do so, it will not publish a notice in the **Federal Register** if it terminates a designation and approves a new state MPI program. Additionally, this action will not change FSIS' process for terminating state MPI programs. FSIS will publish a notice in the **Federal Register** if it designates or redesignates a state under 21 U.S.C. 661(c) or 454(c).

This rule is not subject to the Administrative Procedure Act (APA) requirement to publish a notice of proposed rulemaking and provide the public with the opportunity to comment before issuing a final rule because this action falls under the exceptions outlined in 5 U.S.C. 553 (A) and (B). Specifically, the APA exempts rules related to agency procedure or practice, or when the agency for good cause finds that notice and comment is impracticable, unnecessary, or contrary to the public interest. Since the removal of FSIS' lists of States without MPI programs and the decision to maintain them on the FSIS website is an administrative update that does not alter the substantive rights or duties of stakeholders, it qualifies for these exemptions. This rule will streamline information dissemination and improve accessibility without impacting FSIS' regulatory framework or regulated entities' responsibilities.

Executive Orders (E.O.s) 12866, 13563, 14215, and 14192

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will determine whether a regulatory action is significant as defined by E.O. 12866 and will review significant regulatory actions. OIRA has determined that this final rule is not significant as defined by E.O. 12866. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 14215 amends E.O. 12866 to ensure Presidential supervision and control of the entire executive branch and to require that all executive departments and agencies submit for review all proposed and final significant regulatory actions to OIRA before publication in the **Federal Register**. The Department has developed the final rule consistent with E.O. 13563 and E.O. 14215.

This final rule is considered an E.O. 14192 deregulatory action.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has designated this final rule as not a major rule as defined by 5 U.S.C. 804(2).

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996; 5 U.S.C. 601 *et seq.*), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an

agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because this rule is an administrative change, FSIS has concluded and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. FSIS has assessed the impact of this rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under Executive Order 13175.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), FSIS has reviewed the final rule. The Administrator has determined that this rulemaking would not impact information collection, paperwork, or recordkeeping activities.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act, 2002 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.

E.O. 13132; Federalism Summary Impact Statement

The final rule is an administrative change that will have no effect on States and local governments, so FSIS anticipates that this rule will not have implications for federalism. FSIS will maintain lists of states with and without MPI programs on its website to ensure accurate and timely access to information about State and Federal inspection programs. Therefore, under Section 6(b) of the E.O., a federalism summary is not required.

Environmental Impact

This final rule will not have a reasonably foreseeable significant effect on the quality of the human environment. The rule is an administrative change that merely updates how FSIS communicates information about state and Federal inspection programs to the public. Accordingly, this action is appropriately subject to the categorical exclusion from the preparation of an Environmental Assessment or an Environmental Impact Statement as authorized under 7 CFR 1b.3(a)(1) of the USDA regulations.

Lists of Subjects

9 CFR Part 318

Food additives, Food packaging, Laboratories, Meat inspection, Reporting and recordkeeping requirements, Signs and symbols.

9 CFR Part 325

Meat inspection, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 331

Intergovernmental relations, Meat inspection.

9 CFR Part 351

Administrative practice and procedure, Exports, Meat inspection, Oils and fats, Reporting and recordkeeping requirements.

9 CFR Part 381

Meat inspection, Poultry and poultry products.

9 CFR Part 560

Fish, Food grades and standards, Intergovernmental relations, Seafood.

For the reasons discussed in the preamble, FSIS is amending 9 CFR Chapter III as follows:

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

■ 1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 318.1 [Amended]

■ 2. In § 318.1, paragraph (h)(2) is amended by removing the phrase ''in § 331.2 of this subchapter'' and adding in its place ''under section 301(c) of the Act.''

PART 325—TRANSPORTATION

■ 3. The authority citation for part 325 continues to read as follows:

Authority: 7 U.S.C. 1633, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 325.1 [Amended]

■ 4. In § 325.1, paragraph (c) is amended by removing the phrase ''under § 331.2 of this subchapter'' and adding in its place ''under section 301(c) of the Act.''

§ 325.11 [Amended]

■ 5. In § 325.11, paragraph (e) is amended by removing the phrase ''listed in § 331.2 of this subchapter'' and adding in its place ''designated under section 301(c) of the Act.''

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

■ 6. The authority citation for part 331 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 331.2 [Removed and reserved]

■ 7. Section 331.2 is removed and reserved.

§ 331.3 [Amended]

■ 8. Amend § 331.3 by:
■ a. In the introductory text removing the phrase ''in § 331.2.''
■ b. In paragraph (f) removing the phrase ''as shown in § 331.6.''

§ 331.6 [Removed and reserved]

■ 9. Section 331.6 is removed and reserved.

PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

■ 10. The authority citation for part 351 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624; 7 CFR 2.17(g) and (i), 2.55.

§ 351.2 [Amended]

■ 11. In § 351.2, paragraph (g) is amended by removing the phrase ''in § 331.2 of this chapter'' and adding in its place ''under section 301(c) of the Act.''

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 12. The authority for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 1633; 21 U.S.C. 451–472; 7 CFR 2.7, 2.18, 2.53.

§ 381.6 [Amended]

■ 13. In § 381.6, paragraph (b) is amended by removing the phrase ''in § 381.221.''

§ 381.10 [Amended]

■ 14. In § 381.10, paragraph (d)(3) is amended by removing the phrase ''designated State or organized territory listed in § 381.221 that is also identified in § 381.224'' and adding in its place ''State or organized territory designated under both sections 5(c) and 11 of the Act.''

§ 381.145 [Amended]

■ 15. In § 381.145, paragraph (a) is amended by removing the phrase ''in § 331.2 of this chapter'' and adding in its place ''under section 301(c) of the Act.''

§ 381.221 [Removed and reserved]

■ 16. Section 381.221 is removed and reserved.

§ 381.222 [Amended]

■ 17. Amend § 381.222 by:

■ a. In the introductory text removing the phrase ''in § 381.221.''

■ b. In paragraph (e) removing the phrase ''as shown in § 381.224.''

§ 381.224 [Removed and reserved]

■ 18. Section 381.224 is removed and reserved.

§ 381.225 [Amended]

■ 19. In § 381.225, paragraph (a) introductory text is amended by removing the phrase ''listed in § 381.221'' and adding in its place ''designated under section 5(c) of the Act.''

PART 560—STATE-FEDERAL, FEDERAL-STATE COOPERATIVE AGREEMENTS; STATE DESIGNATIONS

■ 20. The authority for part 560 continues to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 601–602, 606–622, 624–695; 7 CFR 2.7, 2.18, 2.53.

§ 560.4 [Amended]

■ 21. Amend § 560.4 by:

■ a. In the introductory text

■ i. Removing the phrase ''requirements in part 331 of this chapter'' and adding in its place ''following requirements.''

■ ii. Removing '', including.''

■ b. In paragraph (c) removing the phrase ''in 9 CFR 331.6.''

Done at Washington, DC.

Denise Eblen,

Acting Deputy Under Secretary for the Office of Food Safety.

[FR Doc. 2025–11816 Filed 6–25–25; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2025–N–1245]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Muscular Dystrophy Newborn Screening Test

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the muscular dystrophy newborn screening test into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the muscular dystrophy newborn screening test's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 26, 2025. The classification was applicable on December 12, 2019.

FOR FURTHER INFORMATION CONTACT: Irene Tebbs, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3526, Silver Spring, MD 20993–0002, 240–402–0283, *Irene.Tebbs@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the muscular dystrophy newborn screening test as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to

beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On November 4, 2019, FDA received PerkinElmer Inc.'s request for De Novo classification of the GSP Neonatal Creatine Kinase—MM kit. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on December 12, 2019, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 862.1506.[1] We have named the generic type of device muscular dystrophy newborn screening test, and it is identified as an in vitro diagnostic device that is intended to measure creatine kinase levels obtained from dried blood spot specimens on filter paper from newborns as an aid in screening newborns for muscular dystrophy.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—MUSCULAR DYSTROPHY NEWBORN SCREENING TEST RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Risk of False Negative Results	Certain design verification and validation activities, and Certain labeling information.
Risk of False Positive Results	Certain design verification and validation activities, and Certain labeling information.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 862.1506 to subpart B to read as follows:

§ 862.1506 Muscular dystrophy newborn screening test.

(a) *Identification.* A muscular dystrophy newborn screening test is an in vitro diagnostic device intended to measure creatine kinase levels obtained from dried blood spot specimens on filter paper from newborns as an aid in screening newborns for muscular dystrophy.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include a clinical validation study that includes the following:

(i) Results that demonstrate that the analyte being measured identifies a

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

population of newborns who should be subject to follow up diagnostic testing for the condition being screened.

(ii) Predictive value of the device demonstrated using either well characterized prospectively or retrospectively obtained clinical specimens from the intended use population.

(iii) Testing performed by device users who are representative of the types of operators intended to use the test.

(iv) A design that assesses the effects of sample collection and processing steps on test performance.

(v) Tested confirmed positive specimens must have associated diagnostic outcome information based on confirmatory diagnostic methods, or clinically meaningful information regarding the status of the subject must be obtained.

(vi) Data, provided or referenced, generated in samples from the intended use population, that demonstrates the upper reference interval(s), including sufficient samples to calculate the 97.5th and 99.5th percentile information, for the analyte or analytes measured by the device.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) A warning which states that test results are not intended to diagnose muscular dystrophies.

(ii) A warning which states that test results are intended to be used in conjunction with other clinical and diagnostic findings, consistent with professional standards of practice, including confirmation by alternative methods, and clinical evaluation as appropriate.

(iii) Detailed information on device performance, including the false positive screen rate and the false negative screen rate observed in the clinical study, and any limitations to the data generated in the clinical study (*e.g.,* necessity for testing at a specific age).

(iv) Information on device performance in relevant subgroups (*e.g.,* age of newborn at time of sample collection, birth weight, sex, gestational age) observed in the clinical study.

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11796 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2025–N–1447]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Lysosomal Storage Disorder Newborn Screening Test System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the lysosomal storage disorder newborn screening test system into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the lysosomal storage disorder newborn screening test system's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 26, 2025. The classification was applicable on February 3, 2017.

FOR FURTHER INFORMATION CONTACT: Ryan Lubert, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3574, Silver Spring, MD 20993–0002, 240–402–6357, *Ryan.Lubert@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the lysosomal storage disorder newborn screening test system as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo

classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On August 7, 2015, FDA received Baebies, Inc.'s request for De Novo classification of the SEEKER System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on February 3, 2017, FDA issued an order to the requestor classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 862.1488.[1] We have named the generic type of device lysosomal storage disorder newborn screening test system, and it is identified as a device intended to measure lysosomal enzyme levels obtained from dried blood spot specimens on filter paper from newborns as an aid in screening newborns for a lysosomal storage disorder.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—LYSOSOMAL STORAGE DISORDER NEWBORN SCREENING TEST SYSTEM RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Inaccurate test results that provide false negative test results could lead a newborn to not be detected as a possible lysosomal storage disorder case and to be delayed from timely therapy.	Special controls (1) (21 CFR 862.1488(b)(1) and (2) 21 CFR 862.1488(b)(2)).
Inaccurate test results that provide false positive test results could lead a newborn to have unnecessary additional confirmatory testing and to add emotional burden to the family of the newborn.	Special controls (1) (21 CFR 862.1488(b)(1) and (2) 21 CFR 862.1488(b)(2)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 862.1488 to subpart B to read as follows:

§ 862.1488 Lysosomal storage disorder newborn screening test system.

(a) *Identification.* A lysosomal storage disorder newborn screening test system is intended to measure lysosomal enzyme levels obtained from dried blood spot specimens on filter paper from newborns as an aid in screening

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the **Federal Register** Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

newborns for a lysosomal storage disorder.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include information that demonstrates the performance characteristics of the device, including:

(i) Study results that adequately demonstrate the clinical validity of the device, which must include information supporting the link between the analyte being measured and the condition being screened. The clinical validity of the device must be demonstrated in a clinical validation study using either well-characterized prospectively or retrospectively obtained clinical specimens from the intended use population. Testing in the clinical validation study must be performed by operators representative of the types of operators intended to use the test. The study design of the clinical validation study must assess the effects of sample collection and processing steps on test performance. Confirmed positive specimens must have a diagnosis based on confirmatory diagnostic methods or clinically meaningful information regarding the status of the subject must be obtained.

(ii) The reference interval in the normal newborn population for the analyte or analytes measured by the device.

(iii) Study results demonstrating the level of carryover or drift affecting the device performance.

(vi) Study results demonstrating the concentrations of the limit of blank, limit of detection, and limit of quantitation of the device. Sample concentrations below the limit of quantitation must not be reported by the device.

(v) Study results, which must be collected using sample panels from at least three reagent lots and at least three instruments over more than 20 testing days, demonstrating the imprecision of the device. The sample panels must consist of blood spot specimens with a range of analyte concentrations that span the reportable range of the device and must include samples with concentrations in the screen positive range, samples with concentrations at each cutoff, and samples with concentration in the normal range.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) A warning that indicates that the test is not intended to diagnose lysosomal storage disorders.

(ii) A warning that indicates that test results are intended to be used in conjunction with other clinical and diagnostic findings, consistent with professional standards of practice, including confirmation by alternative methods, and clinical evaluation as appropriate.

(iii) Detailed information on device performance, including the false positive rate and the false negative rate observed in the clinical study.

(iv) Information on device performance in any relevant subgroup (*e.g.,* age of newborn at time of sample collection, birth weight, sex, gestational age, race, ethnicity) observed in the clinical study.

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11781 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. FDA–2025–N–1264]

Medical Devices; Hematology and Pathology Devices; Classification of the Fluorescence In Situ Hybridization-Based Detection of Chromosomal Abnormalities From Patients With Hematologic Malignancies

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the fluorescence in situ hybridization-based detection of chromosomal abnormalities from patients with hematologic malignancies into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the fluorescence in situ hybridization-based detection of chromosomal abnormalities from patients with hematologic malignancies' classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 26, 2025. The classification was applicable on December 21, 2018.

FOR FURTHER INFORMATION CONTACT: Ryan Lubert, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3414, Silver Spring, MD 20993–0002, 240–402–6357, *ryan.lubert@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the fluorescence in situ hybridization-based detection of chromosomal abnormalities from patients with hematologic malignancies as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act to a predicate device that does not require premarket approval (21 U.S.C. 360c(i)). We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k) and Part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144)

modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On September 29, 2017, FDA received Cytocell, Ltd.'s request for De Novo classification of the following devices: MLL (KMT2A) Breakapart FISH Probe Kit; P53 (TP53) Deletion FISH Probe Kit; Del(20q) Deletion FISH Probe Kit; CBFβ (CBFB)/MYH11 Translocation, Dual Fusion FISH Probe Kit; Del(5q) Deletion FISH Probe Kit; Del(7q) Deletion FISH Probe Kit; AML1/ETO (RUNX1/RUNX1T1) Translocation, Dual Fusion FISH Probe Kit; and EVI1 (MECOM) Breakapart FISH Probe Kit. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 513(a)(1)(B) of the FD&C Act). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on December 21, 2018, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 864.1880.[1] We have named the generic type of device ''fluorescence in situ hybridization-based detection of chromosomal abnormalities from patients with hematologic malignancies,'' and it is used to detect chromosomal abnormalities in human specimens from patients with hematologic malignancies. The test is indicated for the clinical management of patients consistent with internationally accepted guidelines (*e.g.,* World Health Organization guidelines for Classification of Tumours of Haematopoietic and Lymphoid Tissues) and in conjunction with other clinical and clinicopathological criteria. The results are to be interpreted by a pathologist or equivalent professional.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—FLUORESCENCE IN SITU HYBRIDIZATION-BASED DETECTION OF CHROMOSOMAL ABNORMALITIES FROM PATIENTS WITH HEMATOLOGIC MALIGNANCIES RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Incorrect test results	Special controls (1) (21 CFR 864.1880(b)(1)), (2) (21 CFR 864.1880(b)(2)), (3) (21 CFR 864.1880(b)(3)), and (4) (21 CFR 864.1880(b) (4)).
Incorrect interpretation of test results	Special controls (1) (21 CFR 864.1880(b)(1)), (2) (21 CFR 864.1880(b)(2)), (3) (21 CFR 864.1880(b)(3)), and (4) (21 CFR 864.1880(b) (4)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the **Federal Register** Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding the quality system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 864

Blood, Medical devices, Packaging and containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 864 is amended as follows:

PART 864—HEMATOLOGY AND PATHOLOGY DEVICES

■ 1. The authority citation for part 864 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 864.1880 to subpart B to read as follows:

§ 864.1880 Fluorescence in situ hybridization (FISH)-based detection of chromosomal abnormalities from patients with hematologic malignancies.

(a) *Identification.* A fluorescence in situ hybridization (FISH)-based detection of chromosomal abnormalities from patients with hematologic malignancies is used to detect chromosomal abnormalities in human specimens from patients with hematologic malignancies. The test is indicated for the clinical management of patients consistent with internationally accepted guidelines (*e.g.,* World Health Organization guidelines for Classification of Tumours of Haematopoietic and Lymphoid Tissues) and in conjunction with other clinical and clinicopathological criteria. The results are to be interpreted by a pathologist or equivalent professional.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include:

(i) A detailed description of all probes included in the kit;

(ii) Purpose of each probe;

(iii) Probe molecular specificity;

(iv) Probe specificity;

(v) Probe limits;

(vi) Probe sensitivity;

(vii) Specification of required ancillary reagents, instrumentation, and equipment;

(viii) Specification of the specimen collection, processing, storage and slide preparation methods;

(ix) Specification of the assay procedure;

(x) Specification of control elements that are incorporated into the recommended testing procedures;

(xi) Specification of the criteria for test result interpretation and reporting;

(xii) Documentation demonstrating analytical validation that includes:

(A) Device analytical sensitivity data with a minimum of 25 specimens from karyotypically normal males.

(B) Device analytical specificity data with a minimum of five specimens from karyotypically normal males.

(C) Description of how the clinical threshold was assigned and verification of the assigned clinical threshold.

(D) Device precision/reproducibility data with a minimum of six clinical specimens including two negative specimens, two positive specimens near the clinical decision threshold (cut-off) and two positive specimens. The data must include results obtained from three sites (as applicable), with two operators at each site, with the assay run for a minimum of 3–5 non-consecutive days and each specimen run in duplicate for a minimum of 30 replicates.

(E) Between-reagent lot reproducibility using three reagent lots and three clinical specimens representing negative, near cut-off/low positive, and positive.

(F) Device stability data to include:

(*1*) Real-time stability,

(*2*) Freeze-thaw stability,

(*3*) Transport and temperature stability, as applicable,

(*4*) Post-hybridization signal stability, and

(*5*) Photostability of probe.

(xiii) Documentation demonstrating the clinical validity of the device that includes:

(A) A summary of the prevalence and clinical thresholds reported in three peer-reviewed published literature references for the intended use population of the device and device performance data demonstrating conformance with the published prevalence as reported in peer-reviewed published literature references based on testing clinical specimens, selected without bias (*e.g.,* consecutively selected) from the intended use population using the specific device seeking marketing clearance. A minimum number of clinical specimens must be tested to ensure sufficient positives are evaluated by the device, or alternatively, in the absence of a sufficient number of positives, an additional comparison of results obtained with the device to clinical truth (*e.g.,* confirmed clinical diagnosis and/or G-banded karyotyping) with an independent specimen set must be conducted.

(B) Documentation for peer-reviewed published literature references must include the following elements:

(*1*) Whether the specific device was used in the literature reference;

(*2*) Number and type of specimens;

(*3*) Target population studied;

(*4*) Upper reference limit; and

(*5*) Prevalence range estimated based on the number of positive probe results.

(C) In the absence of clinical data obtained from paragraphs (b)(1)(xiii)(A) and (B) of this section, clinical data obtained from a method comparison to the predicate with positives and negative clinical specimens.

(2) The intended use required on the label under § 809.10(a)(4) of this chapter and on the labeling required under § 809.10(b)(5)(ii) of this chapter must include a statement that ''The test is not intended for use as a stand-alone diagnostic, disease screening, or as a companion diagnostic.''

(3) The labeling required under § 809.10(b) of this chapter must include information that demonstrates the performance characteristics of the test, including a detailed summary of the performance studies conducted and their results, as described in paragraphs (b)(1)(iv) through (xiii) of this section. The labeling required under § 809.10(b) of this chapter must include the pre-specified acceptance criteria for these performance studies, justification for the pre-specified acceptance criteria, and whether the pre-specified acceptance criteria were met.

(4) The labeling required under § 809.10(b) of this chapter must include the following limiting statements:

(i) ''Reporting and interpretation of FISH results should be consistent with professional standards of practice and should take into consideration other clinical and diagnostic information. This kit is intended as an adjunct to other diagnostic laboratory tests and therapeutic action should not be initiated on the basis of the FISH result alone. Failure to adhere to the protocol may affect the performance and lead to false results.''

(ii) ''Each lab is responsible for establishing their own cut-off values. Each laboratory should test sufficiently

large number of samples to establish normal population distribution of the signal levels and to assign a cut-off value. The product is for professional use only and is intended to be interpreted by a qualified pathologist or cytogeneticist.''

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11793 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2025–N–1448]

Medical Devices; Immunology and Microbiology Devices; Classification of the Herpes Simplex Virus Nucleic Acid-Based Assay for Central Nervous System Infections

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the herpes simplex virus nucleic acid-based assay for central nervous system infections into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the herpes simplex virus nucleic acid-based assay for central nervous system infections. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 26, 2025. The classification was applicable on March 21, 2014.

FOR FURTHER INFORMATION CONTACT: Scott McFarland, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3572, Silver Spring, MD 20993–0002, 301–796–6217, *Scott.Mcfarland@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the herpes simplex virus (HSV) nucleic acid-based assay for central nervous system (CNS) infections as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860, subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On December 4, 2013, FDA received Focus Diagnostics, Inc.'s request for De Novo classification of the Simplexa™ HSV 1 & 2 Direct. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on March 21, 2014, FDA issued an order to the requestor classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.3307.[1] We have named the generic type of device herpes simplex virus nucleic acid-based assay for central nervous system infections, and it is identified as a qualitative in vitro diagnostic device intended for the detection and differentiation of HSV–1 and HSV–2 in cerebrospinal fluid (CSF) samples from patients suspected of HSV infections of the CNS. This test is intended as an aid in the diagnosis of HSV–1 and HSV–2 infections of the CNS. Negative results do not preclude HSV–1 or HSV–2 infection and should not be used as the sole basis for treatment or other patient management decisions.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—HERPES SIMPLEX VIRUS NUCLEIC ACID-BASED ASSAY FOR CENTRAL NERVOUS SYSTEM INFECTIONS RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Risk of false results	Special controls (1)(i) (21 CFR 866.3307(b)(1)(i)), (1)(ii) (21 CFR 866.3307(b)(1)(ii)), and (1)(iii) (21 CFR 866.3307(b)(1)(iii)).
Failure to correctly interpret test results	Special control (2) (21 CFR 866.3307(b)(2)).
Failure to correctly operate the instrument	Special controls (1)(iv) (21 CFR 866.3307(1)(iv)) and (1)(v) (21 CFR 866.3307(b)(1)(v)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 866.3307 to subpart D to read as follows:

§ 866.3307 Herpes simplex virus nucleic acid-based assay for central nervous system infections.

(a) *Identification.* A herpes simplex virus nucleic acid-based assay for central nervous system infections is a qualitative in vitro diagnostic device intended for the detection and differentiation of HSV–1 and HSV–2 in cerebrospinal fluid (CSF) samples from patients suspected of Herpes Simplex Virus (HSV) infections of the central nervous system (CNS). This test is intended as an aid in the diagnosis of HSV–1 and HSV–2 infections of the CNS. Negative results do not preclude HSV–1 or HSV–2 infection and should not be used as the sole basis for treatment or other patient management decisions.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include:

(i) Detailed documentation for the device description, including the device components, ancillary reagents required but not provided, and a detailed explanation of the methodology, including primer design and selection.

(ii) Detailed documentation from the following analytical and clinical performance studies: Analytical sensitivity (limit of detection), reactivity, inclusivity, precision, reproducibility, interference, cross reactivity, carryover, and cross contamination. Documentation must include reagent and sample stability recommendations.

(iii) Detailed documentation from a clinical study. The study, performed on a study population consistent with the intended use population, must compare the device performance to the results of two polymerase chain reaction methods followed by bidirectional sequencing.

(iv) Documentation of an appropriate end user device training program that will be offered as part of efforts to mitigate the risk of failure to correctly operate the instrument.

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(v) Quality assurance protocols and detailed documentation for device software, including standalone software applications and hardware-based devices that incorporate software.

(2) The labeling required under § 809.10(b) of this chapter must include:

(i) A detailed explanation of the interpretation of results and acceptance criteria.

(ii) A limiting statement indicating that negative results do not preclude HSV–1 or HSV–2 infection and should not be used as the sole basis for treatment or other patient management decisions.

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11794 Filed 6–25–25; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 892

[Docket No. FDA–2025–N–1361]

Medical Devices; Radiology Devices; Classification of the Cream for X-Ray Attenuation

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is classifying the cream for x-ray attenuation into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the cream for x-ray attenuation's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 26, 2025. The classification was applicable on May 9, 2013.

FOR FURTHER INFORMATION CONTACT: Scott McFarland, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3572, Silver Spring, MD 20993–0002, 301–796–6217, *Scott.Mcfarland@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the cream for x-ray attenuation as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act (see also part 860, subpart D (21 CFR part 860 subpart D)). Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On February 4, 2013, FDA received BloXR Corporation's request for De Novo classification of the X-ray Attenuating Cream. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 9, 2013, FDA issued an order to the requestor classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 892.6510.[1] We have named the generic type of device cream for x-ray attenuation, and it is a sterile cream intended for use as a radiation shield. It is intended to be applied to the user's hand before donning gloves, or it may be applied on a glove on the hand, followed by donning a second glove. Cream for x-ray attenuation is intended to be used during medical procedures in which hands are necessarily exposed to radiation to offer some degree of protection from radiation exposure in the diagnostic imaging range of up to 130 kVp. This may include surgical procedures that require the use of fluoroscopy or radiography or other procedures. Cream for x-ray attenuation is not intended to be used in or adjacent to the primary x-ray beam or the transmitted beam and should not be used in lieu of a Radiographic Procedure Glove, which is used in radiography for those studies requiring the physician's hand or forearm be in the direct path of the primary x-ray beam.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—CREAM FOR X-RAY ATTENUATION RISKS AND MITIGATION MEASURES

Identified risks to health	Mitigation measures
Adverse tissue reaction to health care professionals and patients as a result of direct contact to the skin.	(1) Biocompatibility testing, (2) Surgical glove compatibility performance testing, and (3) Identification of compatible surgical gloves in labeling.
Infection risk to patient as a result of patient contact with contaminated cream due to glove failure and the cream flaking off onto the patient.	(1) Sterilization, packaging, and expiration date testing, (2) Sterile device and expiration date statement in labeling, (3) Surgical glove compatibility performance testing, and (4) Identification of compatible surgical gloves in labeling.
Radiation exposure to health care professionals due to lack of radiation attenuation because of cream formulation. The radiation attenuating agent in the cream may not be present in high enough concentration or is not appropriate to provide the amount of protection needed.	(1) Boxed warning in labeling, (2) Attenuation information in labeling, (3) Surgical glove compatibility performance testing, (4) Attenuation performance testing, and (5) Application performance testing.
Radiation exposure to health care professional during actual use (lack of effectiveness). Lack of continuous protection during actual use can result from poor cream composition such that the cream will absorb, crack, flake off, etc. during use in a clinical setting.	(1) Boxed warning in labeling, (2) Attenuation information in labeling, (3) Surgical glove compatibility performance testing, (4) Attenuation performance testing, (5) Application performance testing, and (6) Validated device application instructions for effective shielding in labeling.
Radiation exposure to health care professionals due to inconsistent device application. Radiation exposure can result due to inadequate instructions describing how to apply the cream to ensure that the hands are completely covered and covered with enough cream to provide the amount of radiation protection stated in the labeling.	(1) Validated device application instructions for effective shielding in labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in part 860, subpart D, regarding De Novo Classification have been approved under OMB control number 0910–0844. The collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 regarding quality system regulation have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 892

Medical devices, Radiation protection, and X-rays

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 892 is amended as follows:

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the **Federal Register** Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

PART 892—RADIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 892 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 892.6510 to subpart G to read as follows:

§ 892.6510 Cream for x-ray attenuation.

(a) *Identification.* A cream for x-ray attenuation is a sterile cream intended for use as a radiation shield. It is intended to be applied to the user's hand before donning gloves, or it may be applied on a glove on the hand, followed by donning a second glove. Cream for x-ray attenuation is intended to be used during medical procedures in which hands are necessarily exposed to radiation to offer some degree of protection from radiation exposure in the diagnostic imaging range of up to 130 kVp. This may include surgical procedures that require the use of fluoroscopy or radiography or other procedures. Cream for x-ray attenuation is not intended to be used in or adjacent to the primary x-ray beam or the transmitted beam and should not be used in lieu of a Radiographic Procedure Glove, which is used in radiography for those studies requiring the physician's hand or forearm be in the direct path of the primary x-ray beam.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include documentation of results from safety and effectiveness testing. The results from safety and effectiveness testing must include:

(i) Biocompatibility data consistent with the intended use for the device;

(ii) Sterilization, packaging, and expiration date testing; and

(iii) Nonclinical and/or clinical performance testing representative of ''as use'' conditions demonstrating:

(A) Compatibility to the type(s) of surgical glove (*e.g.,* latex, nitrile, vinyl) to be used with the device;

(B) Attenuation performance; and

(C) Proper application of the device.

(2) Labeling must include:

(i) A statement that the device is sterile and an expiration date.

(ii) A boxed warning statement prominently placed in all labeling material for these devices. That boxed warning statement must read: ''The device is not intended to be used in or adjacent to the primary X-ray beam or transmitted beam and should not be used in lieu of a Radiographic Procedure Glove, which is used in radiography for those studies requiring the physician's hand or forearm be in the direct path of the primary X-ray beam.''

(iii) The methods and results from nonclinical and/or clinical performance testing representative of ''as use'' conditions demonstrating the amount of attenuation the device provides to the end user at 60, 80, 100, and 120 kVp.

(iv) Validated instructions for use for device application and a statement of how often the device must be removed and reapplied for effective shielding.

(v) Identification of the type(s) of surgical glove (*e.g.,* latex, nitrile, vinyl) that is compatible for use with the device.

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11791 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–0428]

RIN 1625–AA08

Special Local Regulation; Marine Events; Annual Bayview Mackinac Race, Lake Huron, MI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulations for the annual Bayview Yacht Club Port Huron to Mackinac Race. This action is necessary to safely control vessel movements in the vicinity of the race and provide for the safety of the general boating public and commercial shipping. During this enforcement period, no person or vessel may enter the regulated area without the permission of the Coast Guard Patrol Commander (PATCOM).

DATES: The regulation in 33 CFR 100.902 will be enforced from 10 a.m. through 3 p.m. on July 12, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Tracy Girard, Waterway Management Division, U.S. Coast Guard Sector Detroit, 110 Mt. Elliott Street, Detroit, MI at (313) 568–9564 or *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.902 for the Annual Bayview Mackinac Race from 10 a.m. through 3 p.m. on July 12, 2025. This action is being taken to provide for the safe control vessel movements in the vicinity of the race and provide for the safety of the general boating public and commercial shipping. Our regulation for marine events within the Captain of the Port Detroit zone in § 100.902(a) specifies the location of the regulated area for the Annual Bayview Mackinac Race. During the enforcement period, no vessel may enter the regulated area without prior approval from the Coast Guard's designated Patrol Commander (PATCOM). The PATCOM may restrict vessel operation within the regulated area to vessels having particular operating characteristics. Vessels desiring to transit the regulated area may do so only with prior approval of the PATCOM and when so directed by that officer. The PATCOM may be contacted on Channel 16 (156.8 MHZ) by the call sign ''Coast Guard Patrol Commander.'' Vessels permitted to transit the regulated area will operate at no wake speed and in a manner which will not endanger participants in the event or any other craft.

If the District Commander, Captain of the Port, or PATCOM determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 11, 2025.

Richard P. Armstrong,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2025–11802 Filed 6–25–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0270]

RIN 1625–AA00

Safety Zone; Milwaukee Air and Water Show, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending a published safety zone for certain waters of Lake Michigan encompassing the Milwaukee Air and Water Show to include an additional day. This action is necessary to provide for the safety of life on these navigable waters in the vicinity

of McKinley Park and Bradford Beach, during this recurring event on the third weekend in July. This rulemaking prohibits persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Lake Michigan or a designated representative.

DATES: This rule is effective July 28, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2025–0270 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 LCDR Jessica Anderson, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414–747–7182, email *Jessica.P.Anderson@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Milwaukee Air and Water Show is a long-standing event that has occurred for 14 years. During that time, there have been numerous requests to establish a safety zone for four days in duration, rather than the three days currently enforced. The Captain of the Port (COTP) Sector Lake Michigan determined that, due to the repetitive requests, it was pertinent to revise the current safety zone in 33 CFR 165.929, table 4 to § 165.929, line No. 29 for the Milwaukee Air and Water Show to add a fourth day for the event.

In response, on April, 8, 2025, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Milwaukee Air and Water Show, Milwaukee, WI.[1] There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended May 8, 2025, we received 4 comments, all in support of the additional day for enhanced safety.

[1] 90 FR 15127.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The COTP Sector Lake Michigan determined that potential hazards were associated with the previously established safety zone in 33 CFR 165.929, table 4 to § 165.929, line No. 29 for the Milwaukee Air and Water Show that could be addressed through an additional day. The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within an area approximately 5,000-yards by 1,500-yards before, during, and after the scheduled event, which required expanding the enforcement period to include four days.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 4 comments on our NPRM published April 8, 2025. All comments were in support of the proposed amendment. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule amended an established safety zone in 33 CFR 165.929, table 4 to § 165.929, line No. 29 for the Milwaukee Air and Water Show by adding a fourth day to the event. The Milwaukee Air and Water Show event is a recurring event held on the third weekend in July from 8:00 a.m. to 5 p.m. The safety zone covers all navigable waters of Lake Michigan in the vicinity of McKinley Park and Bradford Beach located within an area that is approximately 5,000 yards by 1,500 yards. The expanded duration of the zone ensures the safety of vessels and these navigable waters before, during, and after the scheduled Milwaukee Air and Water Show. No vessel or person is be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 (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. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

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 rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

This regulatory action determination is based on the size, location, duration and time of day of the regulated area. This regulatory action determination is based on the previous rulemaking and the additional day not substantially altering the previous regulation. Additionally, prior events have included temporary final rules to encompass the four-day timeframe.

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 received no comments from the Small Business Administration on this rulemaking. 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.

This regulatory action determination is based on the size, location, and duration of the safety zone. The regulation will be in effect only during the event listed in this regulation for which the COTP has determined pose risks to the safety of life and property for the maritime public and event participants. The size, location, and duration of the regulation will be limited to the extent necessary to minimize these risks. Moreover, the COTP will make advance notice of the

enforcement of the regulation through the Local Notice to Mariners and/or Broadcast Notice to Mariners. This regulation also provides a means for anyone needing to transit through or within the safety zone to seek permission from the COTP.

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 expanding a long-standing safety zone from three days to four days. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.929, amend table 4, by revising item 29 to read as follows:

§ 165.929 Safety Zones; annual events requiring safety zones in the Captain of the Port Lake Michigan Zone.

* * * * *

TABLE 4 TO § 165.929—SAFETY ZONES IN THE STATE OF WISCONSIN

Event	Location [1]	Enforcement date [2]
*	*	*
(29) Milwaukee Air And Water Showe.	Milwaukee, WI. All waters of Lake Michigan in the vicinity of McKinley Park and Bradford Beach located within an area that is approximately 5,000 yards by 1,500 yards. The area will be bounded by the points beginning at 43°02.455′ N, 087°52.880′ W; then southeast to 43°02.230′ N, 087°52.061′ W; then northeast to 43°04.451′ N, 087°50.503′ W; then northwest to 43°04.738′ N, 087°51.445′ W; then southwest to 43°02.848′ N, 087°52.772′ W; then returning to the point of origin.	4 days—Third weekend in July; 8 a.m. to 5 p.m.
*	*	*

[1] All coordinates listed in Table 4 of this section reference Datum NAD 1983.
[2] As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed safety zones are subject to change.

Dated: June 10, 2025.

Joseph B. Parker,

Captain, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan.

[FR Doc. 2025–11839 Filed 6–25–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2024–OSERS–0131]

Innovative Rehabilitation Training Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority and requirements.

SUMMARY: The U.S. Department of Education (Department) announces the final priority and requirements under the Innovative Rehabilitation Training program, Assistance Listing Number 84.263G. The Department may use the priority and requirements for competitions in fiscal year (FY) 2025 and later years. We take this action to promote the development of innovative and improved methods of training on promising vocational rehabilitation (VR) counseling, engagement, and service delivery strategies and practices to State VR agency personnel or other public or non-profit rehabilitation professionals and paraprofessionals (including those enrolled in master's or bachelor's level rehabilitation programs) to provide quality VR and supported employment services that lead to quality employment outcomes for individuals with disabilities.

DATES: The priority and requirements are effective July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Felipe Lulli, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A10, Washington, DC 20202. Telephone: (202) 987–0128. Email: *84.263G@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Purpose of Program: The Innovative Rehabilitation Training program is designed to develop: (a) new types of training programs for rehabilitation personnel and to demonstrate the effectiveness of these new types of training programs for rehabilitation personnel in providing rehabilitation services to individuals with disabilities; (b) new and improved methods of training rehabilitation personnel so that there may be a more effective delivery of rehabilitation services to individuals with disabilities by designated State rehabilitation agencies and designated State rehabilitation units or other public or non-profit rehabilitation service agencies or organizations; and (c) new innovative training programs for VR professionals and paraprofessionals to have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities so they can more effectively provide VR services to individuals with disabilities.

Assistance Listing Number: 84.263G

Program Authority: 29 U.S.C. 709(c) and 772.

Applicable Program Regulations: 34 CFR parts 385 and 387.

We published a notice of proposed priority and requirements (NPP) for this program in the **Federal Register** on December 18, 2024 (89 FR 102841). That notice contained background information and the Department's reasons for proposing the priority and requirements.

Public Comment: In response to our invitation in the NPP, 18 parties submitted comments on the proposed priority and requirements.

Generally, we do not address technical and other minor changes or suggested changes the law does not authorize us to make under the applicable statutory authority. In addition, we do not address general comments that raised concerns not directly related to the proposed priority or requirements.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority and requirements since publication of the NPP follows.

Comment: Several commenters suggested that Topic Area 2 (Career Assessment Addressing Emerging Career and Employment Trends) should focus on improving the quality and availability of career assessment and vocational evaluation services through the development of formal, graduate-level training programs. A few commenters specifically noted that the discontinuation of formal, graduate-level training programs in recent years appears to have contributed to a shortage of qualified evaluators and VR professionals trained in using career assessment data. A few commenters also specified that, given these shortages, there are long waitlists for critical career assessment and vocational evaluation services. A few commenters specifically noted considerations for the ways that artificial intelligence (AI) can be part of career assessment.

Discussion: The Department acknowledges the value of career assessment and VR professionals with career assessment expertise. It is also clear that career assessment and VR professionals should be exposed to additional learning options (coursework, practicums, internships, etc.). As a general matter, the Department notes that Topic Area 2 already affords potential applicants flexibility in their proposed approaches, which may include AI.

Changes: Topic Area 2 has been revised to clarify that proposed projects under this topic area must focus on strengthening the capacity of career assessment and vocational evaluation professionals to serve VR participants under this priority. The topic area has also been revised to clarify that an applicant may propose various approaches to strengthen the capacity of career assessment and vocational evaluation professionals. Application Requirement C has also been revised to remove the specific reference to VR counselors in the training plan given that other VR professionals may also be part of such plan.

Comment: One commenter provided support for the importance of Topic Area 2 but noted that the other topic areas in the NPP were overly prescriptive, noting a general burden on data collection and entry requirements and caseload sizes.

Discussion: The Department contends that the commenter's concerns about prescriptiveness do not seem to pertain to other topic areas under this proposed priority and are rather general issues in the field of vocational rehabilitation. However, as a general matter, the Department notes that the priority already affords potential applicants flexibility in their proposed approaches, activities, and objectives in response to the topic area(s) within the priority.

Changes: None.

Comment: One commenter recommended adding language to Topic Area 2 requiring career development professionals working under this priority to hold one or more specified professional certifications and to maintain records showing that they have received 30 hours of continuing education every three years.

Discussion: We do not believe that the recommendation to require or verify specific standards or credentials is within the scope of purpose of the Innovative Rehabilitation Training Program, as defined in the program regulations at 34 CFR part 387. Moreover, we believe that this level of specificity is not necessary and that individual projects are best positioned

to define these expectations for their participants.

Changes: None.

Comment: None.

Discussion: In proposed Topic Area 2 (Career Assessment Addressing Emerging Career and Employment Trends), among the list of potential activities that the Department proposed that applicants could address, the Department included ''tracking emerging 21st century career trends in [. . .] green industries such as sustainable manufacturing and renewable energy[.]'' Upon further review, we do not think it is necessary to prescribe that level of specificity, and that such activities would be subsumed under the broader heading of STEM and advanced technologies. The Department recognizes that applicants might choose to address emerging 21st century career trends in a number of ways that align to local context.

Changes: The reference to ''green industries such as sustainable manufacturing and renewable energy'' from Topic Area 2 has been removed.

Comment: One commenter recommended adding language in proposed Topic Area 5 (Engagement and Service Delivery Strategies for Underserved Populations) requiring the inclusion of cultural competence training components addressing the unique needs of various groups.

Discussion: Grantees are required to comply with the Federal civil rights laws, which prohibit discrimination on the basis of race, color, or national origin. Therefore, programs funded under this priority will provide the necessary training to all rehabilitation personnel, so that these personnel may effectively deliver rehabilitation services to individuals with disabilities.

Changes: Consistent with the Administration's priority that all recipients of services supported by Federal funding be treated equally, we have removed proposed Topic Area 5. We have also removed a reference to Topic Area 5 from requirement (a).

Comment: A few commenters recommended that the Department add a new topic area on services to transition-age youth and students with disabilities, including family engagement. The commenters indicated that this topic should be addressed distinctly from Topic Area 6 (Field Initiated), given the prioritized attention on collaboration among rehabilitation community providers, centers for independent living, rehabilitation counselors, and other transition professionals required by the new topic area.

Discussion: The Department concurs with the importance of transition services for youth and students with disabilities. An applicant may choose to address transition services through final Topic Area 5 (Field Initiated).

Changes: None.

Comment: One commenter recommended that the priority promote the study and implementation of ''qualified service provider'' definitions across State VR services.

Discussion: The focus of the Innovative Training Program is on innovative and improved methods of training to provide quality VR and supported employment services that lead to quality employment outcomes for individuals with disabilities. The Department believes that the study of qualified service provider definitions falls outside of the intended scope of the program (as defined in 34 CFR 387.1). We also believe that the program will have the most impact through a priority focused on specific training methods and strategies. As such, we decline to include this change in the priority.

Changes: None.

Final Priority

Innovative Rehabilitation Training on Emerging VR Counseling, Engagement, and Service Delivery Strategies Leading to Quality Employment in 21st Century Careers for Individuals With Disabilities.

Projects that propose a new innovative rehabilitation training program for rehabilitation personnel on emerging VR counseling, engagement, and service delivery best practices or strategies in any of five topic areas that provides a 21st century understanding of the evolving labor force and the needs of individuals with disabilities, resulting in more effective delivery of rehabilitation services to individuals with disabilities. The five topic areas under this priority are:

(1) VR Counselor Participant Engagement Practices, (2) Career Assessment Addressing Emerging Career and Employment Trends, (3) Preparing VR Participants for High-Quality Employment in Science, Technology, Engineering, and Math (STEM) and Advanced Technology Careers, including Artificial Intelligence (AI), (4) Dual Customer Employer Engagement and Service Delivery Strategies, and (5) Field Initiated.

(1) VR Counselor Participant Engagement Practices. Proposed projects under this topic area must focus on improving VR counselors' knowledge and skills to effectively engage with VR participants through the VR continuum from referral and application to the provision of VR services under a signed IPE, and through the achievement of an employment outcome. This may include, for example, VR counseling relationship-building skills training; early and ongoing engagement strategies, including pre-employment transition services; benefits counseling, financial planning, and VR participant self-advocacy skills training; and the development of internal and external partnerships with cross-disciplinary VR agency specialists, employers, workforce development partners, Client Assistance Programs, and community-based organizations, including community rehabilitation programs (CRPs) and Centers for Independent Living (CILs).

(2) Career Assessment Addressing Emerging Career and Employment Trends. Proposed projects under this topic area must focus on strengthening the capacity of career assessment and vocational rehabilitation professionals to identify and support VR participants' informed choice and optimal career and employment goals, postsecondary education and training, credentialing and measurable skills attainment pathways, and comprehensive support needs including assistive technology, consistent with participants' unique strengths, abilities, capabilities, and interests. This may include, for example, providing vocational evaluation and comprehensive assessments; facilitating AI-enabled individual supports and accommodations; conducting local and national labor market analyses; tracking emerging 21st century career trends in STEM and advanced technologies; exploring work options such as business ownership, self-employment, and telework; and identifying the most appropriate training and employment options including apprenticeships, customized employment, and career pathways. Projects under this priority may propose various approaches to strengthening the capacity of professionals through career assessment and vocational evaluation programs, courses, modules, practicums, and internships.

(3) Preparing VR Participants for High-quality Employment in STEM and Advanced Technology Careers, including AI. Proposed projects under this topic area must focus on maximizing the number of VR participants provided the opportunity to explore, consider, and pursue high quality careers in STEM and advanced technology careers, including AI, and other emerging high-quality fields. This may include, for example, early and meaningful exposure to such careers through quality pre-employment

transition services; peer mentorship by persons with disabilities in such careers; identification of VR participants whose unique strengths, abilities, interests, and informed choice align with such careers; and partnerships with State and local educational agencies, Institutions of Higher Education (IHE), career and technical education programs, disability organizations, CRPs, and others to provide the appropriate training, education, and support services.

(4) Dual Customer Employer Engagement and Service Delivery Strategies. Proposed projects under this topic area must focus on helping VR agency personnel to engage effectively with employers through the provision of the services and training outlined in 34 CFR 361.32, meeting employers' needs for skilled workers while creating quality employment and training opportunities for VR participants. This may include, for example, strategies for identifying promising dual customer employer engagement opportunities; providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act and other employment-related laws; supporting VR agency capacity-building to provide quality dual customer services and training to employers; conducting outreach to employers, community-based organizations, and business associations highlighting VR agency capabilities and documented successes; and delivering dual customer services and training through the coordinated efforts of cross-disciplinary VR personnel, employers, and workforce development system partners.

(5) Field Initiated. Proposed projects under this topic area must address an area not specified in this priority, consistent with the stated purpose of the priority, or a combination of two or more topic areas specified in this priority.

Note: The numbering of the topic areas does not reflect an established hierarchy or preference among the topic areas.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Project Requirements

(a) Establish the empirical basis of the proposed project objectives and activities. The applicant must identify the particular focus area it intends to address within the selected topic area; the key knowledge and practice determinants of VR service effectiveness and employment outcome quality; and the empirical sources and rationale for the identified knowledge and practices, including available research, literature reviews, and relevant projects conducted by RSA or other Federal or non-government entities.

(b) Establish a process, including clear and actionable steps as well as specific timelines, to continue assessing innovative practices and training methods for possible incorporation, especially during the initial year of the grant, including stakeholder surveys to identify promising practices that the State VR agencies may already be implementing.

(c) Design an innovative, multifaceted training plan to convey the identified knowledge and practices. The training plan must specify the intended participants; proposed curricula, activities, and products, including training modules, communities of practice, research studies, published articles, or videos; instructional and communication technologies, including AI-based methods and tools, if applicable; and knowledge translation methods adapted to diverse learning styles or ethnic and linguistic backgrounds. The training plan must address a broad range of VR professionals—decision-makers, counselors, cross-disciplinary specialists—and pertinent partners and stakeholders, as appropriate.

(d) Establish an advisory panel of one or more VR agencies and other pertinent stakeholders to help develop, implement, and evaluate the project. The applicant must describe the panel membership, structure, and responsibilities. Panel member responsibilities may include identifying key knowledge requirements, best practices, and innovative approaches for the training curricula and methods; coordinating with other interested parties to disseminate curricula, recruit training participants, engaging additional VR agencies and stakeholders; and participating in the project's continuous feedback, evaluation, and improvement processes.

(e) Prioritize key stakeholder engagement, partnerships, and information-sharing in the innovative training activities, including with IHEs, and relevant professional associations. The applicant must identify the stakeholders to be involved within each of the project's particular focus areas; the purpose and expected benefits of stakeholder involvement; anticipated communities of practices to facilitate stakeholder involvement; and the innovative or advanced convening or communication technologies to be used, as applicable.

(f) Establish continuous feedback, evaluation, and improvement processes, including action steps and clear timelines, to ensure that the training curricula and resources are responsive to the needs of the current and aspiring VR professionals and stakeholders; meet the project scope and objectives; and reflect evolving research, promising practices, and innovative training methods during the life of the grant.

(g) Disseminate, replicate, and sustain the innovative training curricula and resources. The applicant must post completed training curricula and related resources on National Clearinghouse of Rehabilitation Training Materials (NCRTM) and other appropriate venues on an ongoing basis; facilitate replication of training curricula by interested VR agencies, IHEs, or other interested parties; sustain and maintain the training curriculum beyond the life of the grant; and present innovative training curricula, resources, outcomes, and lessons learned in at least one national forum during the final year of the grant.

This document does not preclude us from proposing additional eligibility criteria, priorities, requirements, definitions, and selection criteria subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use this priority and these requirements, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563 and 14192

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.

This regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Since this regulatory action is not a significant regulatory action under section 3(f) of Executive Order 12866, it is not considered an ''Executive Order 14192 regulatory action.''

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits;

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' OIRA has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority and requirements only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with these Executive Orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

In addition, we have considered the potential benefits of this regulatory action and have noted these benefits in the background section of the NPP.

We are issuing this final priority and these requirements only on a reasoned determination that its benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the preceding analysis, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this final regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Paperwork Reduction Act of 1995

The final priorities, including requirements, contain information collection requirements that are approved by OMB under OMB control number 1820–0028; the final priorities, including requirements, do not affect the currently approved data collection.

Regulatory Flexibility Act Certification: The Secretary certifies that this final regulatory action will not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration (SBA) Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000. Participation in the Innovative Rehabilitation Training program is voluntary. In addition, the only eligible entities for this program are State agencies or their equivalents under State law, Public, Private and Nonprofit Entities, including Indian Tribes and Institutions of Higher Education, which do not meet the definition of a small entity. We expect that in determining whether to apply for Innovative Rehabilitation Training program funds, an eligible entity would evaluate the requirements of preparing an application and any associated costs and weigh them against the benefits likely to be achieved by receiving a program grant. An eligible entity probably would apply only if it determines that the likely benefits exceed the costs of preparing an application.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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

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

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

Diana Diaz,

Deputy Assistant Secretary and Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2025–11807 Filed 6–25–25; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

Protection of Stratospheric Ozone; CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

In Title 40 of the Code of Federal Regulations, Parts 82 to 84, revised as of July 1, 2024, in appendix B to subpart G, in the table titled ''Refrigerants—Acceptable Subject to Use Conditions'', footnotes 4 through 7 are added to read as follows:

Appendix B to Subpart G of Part 82—Substitutes Subject To Use Restrictions and Unacceptable Substitutes

Refrigerants—Acceptable Subject to Use Conditions

* * * * *

[4] SAE, J639 NOV2020, Safety and Design Standards for Motor Vehicle Refrigerant Vapor Compression Systems, Revised November 2020.

[5] SAE, J1739 JAN2021, Potential Failure Mode and Effects Analysis (FMEA) Including Design FMEA, Supplemental FMEA–MSR, and Process FMEA, Revised January 2021.

[6] SAE, J2844 JAN2013, R–1234yf (HFO–1234yf) New Refrigerant Purity and Container Requirements for Use in Mobile Air-Conditioning Systems, Revised January 2013.

[7] The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. It is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: U.S. EPA's Air and Radiation Docket; EPA West Building, Room 3334, 1301 Constitution Ave. NW, Washington DC 202–566–1742. For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.* Available from SAE International (SAE): SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; 1–877–606–7323 in the United States or 724–776–4970 outside the United States or in Canada; website: *https://www.sae.org/standards.*

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[FR Doc. 2025–11780 Filed 6–25–25; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 250623–0106]

RIN 0648–BN36

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

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

ACTION: Final rule; notification of issuance of Letter of Authorization.

SUMMARY: NMFS, upon request from the University of California Santa Cruz (UCSC), hereby issues regulations to govern the unintentional taking of marine mammals incidental to rocky intertidal monitoring surveys along the Oregon and California coasts over the course of 5 years (2025–2030). These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

DATES: This rule is effective from June 26, 2025, through June 26, 2030.

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/action/incidental-take-authorization-university-california-santa-cruzs-rocky-intertidal-monitoring.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Jennifer Gatzke, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Regulatory Action

This rule establishes a framework under the authority of the MMPA (16 U.S.C. 1361 *et seq.*) and authorizes, for a 5-year period (2025–2030), take of marine mammals incidental to the UCSC/MARINe's rocky intertidal research activities in Oregon and California.

NMFS received an incidental take authorization (ITA) application from the UCSC/MARINe requesting 5-year regulations and an LOA to take four species of marine mammals by Level B harassment (Application). Take of harbor seal (*Phoca vitulina richardii*), Steller sea lion (*Eumetopias jubatus*), northern elephant seal (*Mirounga angustirostris*), and California sea lion (*Zalophus californianus*) would occur by Level B harassment only, incidental to visual and auditory disturbance of pinnipeds occurring near research sites. No mortality or serious injury is anticipated or authorized. Please see the Estimated Take of Marine Mammals section below for definitions of harassment.

A previous incidental take authorization was issued in association with this ongoing, long-term project. That authorization was issued to the UCSC Partnership for Interdisciplinary Studies of Coastal Oceans (referred to as UCSC/PISCO). Additional information about that action can be found at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-university-california-santa-cruz-rocky-intertidal-monitoring-0.*

Legal Authority for the Proposed Action

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified

geographical region if certain findings are made, regulations are promulgated, and public notice and an opportunity for public comment are provided.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat. NMFS will pay particular attention to (1) rookeries, mating grounds, and areas of similar significance, (2) the availability of the species or stocks for taking for certain subsistence uses (referred to as ''mitigation''), and (3) the requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included below.

Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I, provide the legal basis for issuing 5-year regulations and an associated LOA. This rule establishes required mitigation, monitoring, and reporting requirements for the UCSC/MARINe's activities.

Summary of Major Provisions Within the Proposed Rule

The following is a summary of the major provisions of this rule regarding UCSC/MARINe's research activities. These provisions include measures requiring:

- Mitigation to minimize impact to pinnipeds and avoid disruption to dependent pups including several measures to approach haulouts cautiously to minimize disturbance, especially when pups are present; and
- Monitoring of the research areas to detect the presence of marine mammals before initiating surveys.

Summary of Request

On September 6, 2024, NMFS received a request from the UCSC/MARINe for an authorization to take marine mammals incidental to rocky intertidal monitoring surveys along the Oregon and California coasts. Following NMFS' review of the application, UCSC/MARINe submitted a revised version that was deemed adequate and complete on November 26, 2024. UCSC/MARINe's request is for incidental take of four pinniped species by Level B harassment only; harbor seal, Steller sea lion, northern elephant seal, and California sea lion. Neither UCSC/MARINe nor NMFS expect serious injury or mortality to result from this activity.

NMFS previously issued seven IHAs (77 FR 72327, December 5, 2012; 78 FR 79403, December 30, 2013; 79 FR 73048, December 9, 2014; 81 FR 7319, February 11, 2016; 82 FR 12568, March 6, 2017; 83 FR 11696, March 16, 2018; 84 FR 17784, April 26, 2019) to the UCSC Partnership for Interdisciplinary Studies of Coastal Oceans (UCSC/PISCO) for this work before issuing a final rule and associated LOA in 2020 (85 FR 18459, April 2, 2020). UCSC/PISCO complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the previous IHAs and LOA. UCSC/PISCO monitoring results from 2013 to 2024 may be found in the Application, which is available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-university-california-santa-cruzs-rocky-intertidal-monitoring.*

Description of Activity

UCSC/MARINe has been authorized to conduct rocky intertidal monitoring work for over 20 years. This work focuses on understanding the nearshore ecosystems of the U.S. West Coast through a number of interdisciplinary collaborations. The program integrates long-term monitoring of ecological and oceanographic processes at dozens of sites with experimental work in the lab and field. Research is conducted throughout the year along the California and Oregon coasts and is expected to continue indefinitely. Researchers accessing and conducting research activities on the sites occasionally result in the incidental take of four pinniped species by incidental, Level B harassment. UCSC/MARINe expects, and NMFS concurs, that the disturbance to pinnipeds from the research activities will be limited to Level B harassment. Take by Level A harassment, serious injury, or mortality is not anticipated and will not be authorized through this action.

Some sampling may occur in all months of the calendar year. Over the course of this 5-year effective period for the rule, UCSC/MARINe expects approximately 300 days of survey effort. Exact locations of sampling sites can be found in table 1 of the Application, along with maps at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-university-california-santa-cruzs-rocky-intertidal-monitoring.*

A detailed description of the monitoring project, along with mitigation, monitoring, and reporting measures, are described in detail in the **Federal Register** notice for the proposed ITA (90 FR 13322, March 21, 2025). Since that time, the only change that has been added is a mitigation measure that was omitted in the proposed rule (see Summary of Request section above). Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an ITA to the UCSC/MARINe was published in the **Federal Register** notice for the proposed ITA (90 FR 13322, March 21, 2025). That notice described, in detail, UCSC/MARINe's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed ITA, and requested that interested persons submit relevant information, suggestions, and comments.

During the 30-day public comment period, NMFS received comments from two individuals. Both comments supported the project activities, and emphasized the continued timely posting of the annual reports for public transparency, and the continued refinement of mitigation measures to reduce disturbance. The comments and recommendations are available online at: *https://www.regulations.gov/document/NOAA-NMFS-2024-0144-0003/comment.* Please see the comment submissions for full details regarding the recommendations and supporting rationale. As comments suggested continued mitigation measures already employed by the applicant, no changes resulting from public comments were made from the proposed to the final rule.

Changes From the Proposed Rule

There is one change from the proposed to the final rule. NMFS inadvertently omitted from the proposed rule a mitigation measure stating that any research occurring on the Channel Islands, Farallon Islands, or Año Nuevo Island would be coordinated with researchers who regularly work in these areas in order to both gain access and reduce the amount of disturbance to marine mammals. UCSC proposed this measure as part of its petition for regulations, which was made available for public review during the Notice of Receipt and proposed rule public comment periods. This mitigation

measure has been added to this final rule in the preamble and the regulatory text.

Description of Marine Mammals in the Area of Specified Activities

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species (table 1). NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

A detailed description of the species likely to be affected by the UCSC/MARINe project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed ITA (90 FR 13322, March 21, 2025); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

TABLE 1—MARINE MAMMALS POTENTIALLY PRESENT NEAR THE UCSC/MARINE RESEARCH SITES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S	-; N	257,606 (n/a; 233,515; 2014).	14,011	>321
Steller sea lion	*Eumetopias jubatus*	Eastern U.S	-; N	36,308 (n/a; 36,308; 2022).	2,178 (U.S. only)	92.3
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	California,	-; N	30,968 (n/a; 27,348; 2012).	1,641	43
		Oregon/Washington	-; N	24,732 (unknown; 16,165 mean; 1999) [4].	unknown	10.6
Northern elephant seal	*Mirounga angustirostris*	California	-; N	187,386 (n/a; 85,369; 2013).	5,122	13.7

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA in the near future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

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

[4] The most recent abundance estimate for this stock (24,732 animals) is from 1999 surveys (Final 2023 SAR), with a mean calculated at 16,165 animals.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from UCSC/MARINe monitoring activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed rulemaking (90 FR 13322, March 21, 2025) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from UCSC/MARINe monitoring activities on marine mammals and their habitat. That information and analysis is referenced in this final ITA determination and is not repeated here; please refer to the notice of proposed rulemaking (90 FR 13322, March 21, 2025).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes of the four species of pinnipeds by Level B harassment that may be authorized under this rule, which informs both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment, defined previously in the Purpose and Need for Regulatory Action section, is the only type of take expected to result from these activities.

Authorized takes will be by Level B harassment only, in the form of potential disruption of behavioral patterns for individual marine mammals resulting from exposure to researchers and the operation of their equipment. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized. As described previously, no mortality is anticipated or authorized for this activity. Researchers with extensive knowledge and experience at each survey site estimated the actual number of marine mammal takes likely to occur, using annual recorded observations. Take estimates are based on historical marine mammal observations from 2013–2024 at each site from previous UCSC/PISCO (MARINe) survey activities. Take estimates for each species were based on the following equation:

Take estimate/survey site = # of expected animals/site * # of planned survey events/survey site.

The species' estimated take totals for each survey site were summed to arrive at a total estimated take for the entire

duration of the rule across all four impacted species of pinnipeds. We fully describe how the take numbers are estimated in detail in the proposed ITA (90 FR 13322, March 21, 2025), and summarize below in table 2.

TABLE 2—AUTHORIZED INCIDENTAL TAKE BY LEVEL B HARASSMENT (IN TOTAL AND PER YEAR) AND PERCENTAGE OF POPULATIONS AFFECTED

Species	Abundance (Caretta *et al.* 2023, Young *et al* 2023)	Authorized incidental take (Level B harassment only)		
		Take over 5 years	Take per year	% of population
Harbor seal—CA stock (*Phoca vitulina*)	30,968	1462	292	0.94
Harbor seal—WA/OR stock (*Phoca vitulina*)	24,732	150	30	0.12
California sea lion (*Zalophus californianus*)	257,606	3150	630	0.24
Northern elephant seal (*Mirounga angustirostris*)	187,386	760	152	0.08
Steller sea lion (*Eumetopias jubatus*)	36,308	75	15	0.04

Monitoring reports from the previously issued LOA (2020–2025), including Level B harassment take numbers, are available on our website: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-university-california-santa-cruz-rocky-intertidal-monitoring-0.*

Mitigation

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

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

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (*e.g.,* likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (*i.e.,* probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability of accomplishing the mitigating result if implemented as planned); and

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

UCSC/MARINe will implement several mitigation measures to reduce potential take by Level B harassment. Measures are listed below.

- Researchers will observe a site from a distance for at least 5 minutes, using binoculars, if necessary, to detect any marine mammals prior to approach to determine if mitigation is required (*i.e.,* site surveys will not be conducted if other pinnipeds are present, researchers will approach with caution, walking slowly, quietly, and close to the ground to avoid surprising any hauled out individuals and to reduce flushing/stampeding of individuals).
- Researchers will avoid pinnipeds along access ways to sites by locating and taking a different access route. Researchers will keep a safe distance from, and not approach, any marine mammal while conducting research unless it is absolutely necessary to flush (*i.e.,* disturb from its position) a marine mammal in order to continue conducting research (*i.e.* if a site cannot be accessed or sampled due to the presence of pinnipeds).
- Researchers will avoid making loud noises (*e.g.,* using hushed voices) and keep bodies low to the ground (*i.e.,* crouched) in the visual presence of pinnipeds.
- Researchers will monitor the offshore area for predators (*e.g.,* killer whales and great white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters. Note that UCSC/MARINe has never observed an offshore predator while researchers were present at any of the survey sites.
- Intentional approach will not occur if dependent pups are present to avoid mother/pup separation and trampling of pups. Staff shall reschedule work at sites where pups are present unless other means of accomplishing the work can be done without causing disturbance to mothers and dependent pups.
- When operating UAVs around pinnipeds, altitude will not drop below 10 meters.
- Researchers will promptly vacate sites at the conclusion of sampling.
- Research occurring on the Channel Islands, Farallon Islands, or Año Nuevo Island will be coordinated with researchers who regularly work in these areas.

The primary methods of mitigating the risk of disturbance to pinnipeds is the selection of judicious routes of approach to study sites, avoiding close contact with pinnipeds hauled out on shore, and the use of extreme caution upon approach. Each visit to a given study site will last for approximately 4–6 hours, after which the site is vacated and can be re-occupied by any marine mammals that may have been disturbed by the presence of researchers. In addition, workers will be arriving before low tide; worker presence will tend to encourage pinnipeds to move to other areas for the day before they haul out and settle onto rocks at low tide.

In order to both gain access and further reduce the amount of disturbance to marine mammals, any research occurring on the Channel Islands, Farallon Islands, or Año Nuevo Island would be coordinated with researchers who regularly work in these areas. This mitigation measure, which was proposed by UCSC, was inadvertently omitted from the proposed rule, and has been added to this final rule in the preamble and the regulatory text.

Based on our evaluation of the applicant's proposed measures, NMFS

has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical to both compliance as well as ensuring that the most value is obtained from the required monitoring.

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

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

UCSC/MARINe will contribute to the knowledge of pinnipeds in California and Oregon by noting observations of: (1) unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

Monitoring requirements in relation to UCSC/MARINe's rocky intertidal monitoring will include observations made by the applicant. Information recorded will include species counts (with numbers of pups/juveniles) of animals present before approaching, numbers of observed disturbances (based on the scale below), and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event. For consistency, any reactions by pinnipeds to researchers will be recorded according to a 3-point scale shown in table 3. Note that only observations of disturbance levels 2 and 3 should be recorded as takings.

TABLE 3—LEVELS OF PINNIPED BEHAVIORAL DISTURBANCE

Level	Type of response	Definition
0	Observation	Observation by researchers from a distance; no disturbance to pinniped.
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2	Movement	Movements away from the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3	Flush	All retreats (flushes) to the water.

In addition, observations regarding the number and species of any marine mammals observed (either in the water or hauled out at, or adjacent to, a research site) are recorded as part of field observations during research activities. Information regarding physical and biological conditions pertaining to a site, as well as the date and time that research was conducted, will also be recorded. This information will be incorporated into a monitoring report for NMFS and raw data will be provided.

If at any time the specified activity clearly causes the take of a marine mammal in a prohibited manner such as an injury (Level A harassment), serious injury, or mortality, UCSC/MARINe shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:

(1) Time and date of the incident;

(2) Description of the incident;

(3) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(4) Description of all marine mammal observations in the 24 hours preceding the incident;

(5) Species identification or description of the animal(s) involved;

(6) Fate of the animal(s); and

(7) Photographs or video footage of the animal(s) (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with UCSC/MARINe to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. UCSC/MARINe may not resume the activities until notified by NMFS.

In the event that UCSC/MARINe discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), UCSC/MARINe shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the same information identified in the paragraph above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with UCSC/MARINe to

determine whether additional mitigation measures or modifications to the activities are appropriate.

In the event that an injured or dead marine mammal is discovered and it is determined that the injury or death is not associated with or related to the activities authorized in the regulations and LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), UCSC/MARINe shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. UCSC/MARINe shall provide photographs, video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

A draft annual report shall be submitted to NMFS Office of Protected Resources within 90 days after the conclusion of each annual field season (50 CFR 217.105(d)(1)). The report will include a summary of the information gathered pursuant to the monitoring requirements set forth above and in the LOA. A final annual report shall be submitted to the Director of the NMFS Office of Protected Resources within 30 days after receiving comments from NMFS on the draft annual report (50 CFR 217.105(d)(2)). If no comments are received from NMFS, the draft annual report will be considered the final report.

Monitoring Results From Previously Authorized Activities

UCSC/MARINe complied with the mitigation and monitoring that were required under the prior IHAs issued from 2013 to 2019, and the LOA issued in 2020. In compliance with those IHAs, they submitted reports detailing the activities and marine mammal monitoring they conducted, the most recent report submitted in 2024 and accessible at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-university-california-santa-cruz-rocky-intertidal-monitoring-0.* The IHAs required UCSC/MARINe to conduct counts of pinnipeds present at study sites prior to approaching the sites and to record species counts and any observed reactions to the presence of the researchers. These monitoring results were summarized above in the Estimated Take of Marine Mammals section, with a detailed discussion in the proposed ITA (90 FR 13322, March 21, 2025).

Based on the results from the monitoring reports, we conclude that the mitigation measures set forth in the previous authorizations effected the least practicable impact on the species or stocks. There were no stampede events during these years and most disturbances were level 1 and 2 on the disturbance scale (see table 3), meaning the animal did not fully flush but observed or moved slightly in response to researchers. Those that did fully flush to the water did so slowly. Most of these animals tended to observe researchers from the water and then re-haul out farther up-coast or down-coast of the site within approximately 30 minutes of the disturbance.

Adaptive Management

The regulations governing the take of marine mammals incidental to the UCSC/MARINe's research activities would contain an adaptive management component. The reporting requirements associated with this rule are designed to provide NMFS with annual monitoring data to allow consideration of whether any changes are appropriate. The use of adaptive management allows NMFS to consider new information from different sources to determine on an annual basis if mitigation or monitoring measures should be modified (including additions or deletions). Mitigation measures could be modified if new data suggests that such modifications would have a reasonable likelihood of reducing adverse effects to marine mammals and if the measures are practicable.

The following are some of the possible sources of applicable data to be considered through the adaptive management process: (1) results from monitoring reports, as required by MMPA authorizations; (2) results from general marine mammal and sound research; and (3) any information which reveals that marine mammals may have been taken in a manner, extent, or number not authorized by these regulations or LOAs issues pursuant to these regulations.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity. Research activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level B harassment from researcher's movements and equipment handling. Potential takes could occur if individuals of these species are present nearby when these activities are underway. No injuries or mortalities are anticipated to occur as a result of UCSC/MARINe's rocky intertidal monitoring surveys and none are authorized.

Typically, even those reactions constituting Level B harassment would result, at most, in a temporary, short-term behavioral disturbance. In any given study season, researchers will visit select sites one to two times per year for four to six hours per visit. Therefore, disturbance of pinnipeds resulting from the presence of researchers lasts only for short periods. These short periods of disturbance lasting less than a day are separated by months or years. Community structure sites are visited at most twice per year and the visits occur in different seasons. Biodiversity surveys take place at a given location once every three to five years.

Of the marine mammal species anticipated to occur in the activity

areas, none are listed under the ESA. Taking into account the planned mitigation measures, effects to marine mammals are generally expected to be restricted to short-term changes in behavior or temporary abandonment of haulout sites, pinnipeds are not expected to permanently abandon any area that is surveyed by researchers, as is evidenced by continued presence of pinnipeds at the sites during annual monitoring counts. No adverse effects to prey species are anticipated and habitat impacts are limited and highly localized, consisting of the placement of permanent bolts and temporary research equipment in the intertidal zone. Based on this analysis of the likely effects of the specified activity on marine mammals and their habitat, and considering the implementation of the proposed mitigation and monitoring measures, NMFS finds that the total marine mammal incidental take from UCSC/MARINe's rocky intertidal monitoring program will not adversely affect annual rates of recruitment or survival. Therefore, such incidental take will have a negligible impact on the affected species or stocks.

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

- No serious injury or mortality is anticipated or authorized;
- Only a small number of pups are expected to be disturbed;
- Effects of the survey activities would be limited to short-term, localized behavioral changes;
- Nominal impacts to pinniped habitat are anticipated; and
- Mitigation measures are anticipated to be effective in minimizing the number and severity of takes by Level B harassment, which are expected to be of short duration.

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

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the maximum number of individuals taken in any year to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS authorizes is 0.04 to 0.94 percent of any stock's best population estimate (see table 2). These are likely conservative estimates because they assume all encounters result in take, which has not historically been the case.

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

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our action (*i.e.,* promulgation of regulations and issuance of a 5-year LOA) and alternatives with respect to potential impacts on the human environment.

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

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure 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.

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

Classification

The Office of Management and Budget has determined that this rule is not significant for purposes of Executive Order 12866. This rule is not an Executive Order regulatory action because this action is not significant under Executive Order 12866.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. UCSC/MARINe is the sole entity that would be subject to the requirements in these regulations, and UCSC/MARINe is not a small governmental jurisdiction, organization, or business as defined by the RFA. No comments were received regarding this certification or on the economic impacts of the rule more generally. As a result, a regulatory flexibility analysis is not required and none has been prepared.

This rule does contain collection-of-information requirements subject to the provisions of the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3521). Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. These requirements have been approved by OMB under control number 0648–0151, Applications and Reporting

Requirements for Incidental Taking of Marine Mammals by Specified Activities Under the Marine Mammal Protection Act, and include the applications for regulations, subsequent LOA, and reports.

Waiver of Delay in Effective Date

NMFS has determined that there is good cause under the Administrative Procedure Act (5 U.S.C. 553(d)(3)) to waive the 30-day delay in the effective date of this final rule. No individual or entity other than UCSC is affected by the provisions of these regulations.

The waiver of the 30-day delay of the effective date of the final rule will ensure that the MMPA final rule and LOA are in place as soon as possible to ensure the UCSC's compliance with the MMPA. Any delay in finalizing the rule would result in either: (1) A suspension of planned research, which would disrupt the provision of vital data necessary for effective management of intertidal habitat; or (2) the UCSC's procedural non-compliance with the MMPA (should the UCSC conduct research without an LOA), thereby resulting in the potential for unauthorized takes of marine mammals. Moreover, UCSC is ready to implement the regulations immediately and requested the waiver. For these reasons, NMFS finds good cause to waive the 30-day delay in the effective date. In addition, the rule authorizes incidental take of marine mammals that would otherwise be prohibited under the statute. Therefore, by granting an exception to UCSC, the rule will relieve restrictions under the MMPA, which provides a separate basis for waiving the 30-day effective date for the rule.

List of Subjects in 50 CFR Part 217

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: June 23, 2025.

Samuel D. Rauch, III,

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

For reasons set forth in the preamble, 50 CFR part 217 is amended as follows:

PART 217—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITES

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.,* unless otherwise noted.

■ 2. Revise and republish subpart K to part 217 to read as follows:

Subpart K—Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

Sec.

217.100 Specified activity and specified geographical region.
217.101 Effective dates.
217.102 Permissible methods of taking.
217.103 Prohibitions.
217.104 Mitigation requirements.
217.105 Requirements for monitoring and reporting.
217.106 Letters of Authorization.
217.107 Renewals and modifications of Letters of Authorization.
217.108–217.109 [Reserved]

Subpart K—Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

§ 217.100 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the University of California Santa Cruz's Multi-Agency Rocky Intertidal Network (UCSC/MARINe) and those persons it authorizes or funds to conduct activities on its behalf for the taking of marine mammals that occur in the areas outlined in paragraph (b) of this section and that occur incidental to rocky intertidal monitoring research surveys.

(b) The taking of marine mammals by UCSC/MARINe may be authorized in a Letter of Authorization (LOA) only if it occurs on the coasts of Oregon or California.

§ 217.101 Effective dates.

Regulations in this subpart are effective from June 26, 2025, through June 26, 2030.

§ 217.102 Permissible methods of taking.

Under LOAs issued pursuant to §§ 216.106 of this chapter and 217.106, the Holder of the LOA (hereinafter ''UCSC/MARINe'') may incidentally, but not intentionally, take marine mammals within the area described in § 217.100 (b) by Level B harassment associated with rocky intertidal monitoring activities, provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA.

§ 217.103 Prohibitions.

Notwithstanding takings contemplated in § 217.100 and authorized by an LOA issued under §§ 216.106 of this chapter and 217.106, no person in connection with the activities described in § 217.100 may:

(a) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a LOA issued under §§ 216.106 of this chapter and 217.106;

(b) Take any marine mammal not specified in such LOA;

(c) Take any marine mammal specified in such LOA in any manner other than as specified in § 217.102;

(d) Take a marine mammal specified in such LOA if NMFS determines such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(e) Take a marine mammal specified in such LOA if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses.

§ 217.104 Mitigation requirements.

When conducting the activities identified in § 217.100(a), the mitigation measures contained in any LOA issued under §§ 216.106 of this chapter and 217.106 must be implemented. These mitigation measures shall include but are not limited to:

(a) *General conditions.* (1) Researchers must observe a site from a distance for at least five minutes, using binoculars if necessary, to detect any marine mammals prior to approach to determine if mitigation is required. Site surveys will not be conducted if other species of pinnipeds are present. Researchers will approach with caution, walking slowly, quietly, and close to the ground to avoid surprising any hauled out individuals and to reduce flushing (*i.e.,* disturbing from its position).

(2) Researchers shall avoid pinnipeds along access ways to sites by locating and taking a different access way. Researchers shall keep a safe distance from and not approach any marine mammal while conducting research, unless it is absolutely necessary to approach a marine mammal in order to continue conducting research (*i.e.,* if a site cannot be accessed or sampled due to the presence of pinnipeds).

(3) Researchers shall avoid making loud noises (*e.g.,* using hushed voices) and keep bodies low to the ground in the visual presence of pinnipeds.

(4) Researchers shall monitor the offshore area for predators (*e.g.,* killer whales and great white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters.

(5) Researchers shall promptly vacate sites at the conclusion of sampling.

(6) Researchers shall not operate unmanned aerial vehicles (UAVs) at an altitude below 10 meters while in the presence of pinnipeds.

(7) Research occurring on the Channel Islands, Farallon Islands, or Año Nuevo Island will be coordinated with researchers who regularly work in these areas.

(b) *Pup protection measures.* (1) Intentional approach will not occur if dependent pups are present to avoid mother/pup separation and trampling of pups. Staff shall reschedule work at sites where pups are present, unless other means of accomplishing the work can be done without causing disturbance to mothers and dependent pups.

(2) [Reserved]

§ 217.105 Requirements for monitoring and reporting.

(a) *Visual monitoring program.* (1) Standard information recorded will include species counts (with numbers of pups/juveniles when possible) of animals present before approaching, numbers of observed disturbances, and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event.

(2) UCSC/MARINe must note observations of:

(i) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel;

(ii) Tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and

(iii) Rare or unusual species of marine mammals for agency follow-up.

(3) For consistency, any reactions by pinnipeds to researchers must be recorded according to a three-point pinniped disturbance scale included in any LOA issued under § 216.106 of this chapter and § 217.106.

(4) UCSC/MARINe must note information regarding the date and time that research is conducted, as well as the physical and biological conditions pertaining to a site.

(b) *Prohibited take.* (1) If at any time the specified activity clearly causes the take of a marine mammal in a manner prohibited by these regulations or LOA, such as an injury (Level A harassment), serious injury, or mortality, UCSC/MARINe shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the following information:

(i) Time and date of the incident;

(ii) Description of the incident;

(iii) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(iv) Description of all marine mammal observations in the 24 hours preceding the incident;

(v) Species identification or description of the animal(s) involved;

(vi) Fate of the animal(s); and

(vii) Photographs or video footage of the animal(s) (if equipment is available).

(2) Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with UCSC/MARINe to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure Marine Mammal Protection Act (MMPA) compliance. UCSC/MARINe must not resume the activities until notified by NMFS via letter, email, or telephone.

(c) *Notification of dead or injured marine mammals.* (1) In the event that UCSC/MARINe discovers an injured or dead marine mammal and determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), UCSC/MARINe shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the information identified in paragraph (b)(1) of this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with UCSC/MARINe to determine whether additional mitigation measures or modifications to the activities are appropriate; and

(2) In the event that an injured or dead marine mammal is discovered and it is determined that the injury or death is not associated with or related to the activities authorized in the regulations and LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), UCSC/MARINe shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. UCSC/MARINe shall provide photographs, video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

(d) *Annual report.* (1) A draft annual report shall be submitted to NMFS Office of Protected Resources within 90 days after the conclusion of each annual field season. The final annual report after year five may be included as part of the final report (see paragraph (e) of this section). The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in this section and in the LOA; and

(2) A final annual report shall be submitted to the Director of the NMFS Office of Protected Resources within 30 days after receiving comments from NMFS on the draft annual report. If no comments are received from NMFS, the draft annual report will be considered the final report.

§ 217.106 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, UCSC/MARINe must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, UCSC/MARINe may apply for and obtain a renewal of the LOA.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, UCSC/MARINe must apply for and obtain a modification of the LOA as described in § 217.107.

(e) The LOA shall set forth:

(1) Permissible methods and numbers of incidental taking;

(2) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species, its habitat, and on the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within 30 days of a determination.

§ 217.107 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under §§ 216.106 of this chapter and 217.106 for the activity identified in § 217.100(a) shall be renewed or modified upon request by the applicant, provided that:

(1) The proposed specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section); and

(2) NMFS' Office of Protected Resources determines that the

mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS' Office of Protected Resources may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 of this chapter and 217.106 for the activity identified in § 217.100(a) may be modified by NMFS' Office of Protected Resources under the following circumstances:

(1) *Adaptive Management.* NMFS' Office of Protected Resources may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting with UCSC/MARINe regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in this subpart.

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from UCSC/MARINe's monitoring from the previous year(s);

(B) Results from other marine mammal and/or sound research or studies; and

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by this subpart or subsequent LOAs; and

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS' Office of Protected Resources will publish a notice of proposed LOA in the **Federal Register** and solicit public comment; and

(2) *Emergencies.* If NMFS' Office of Protected Resources determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in LOAs issued pursuant to §§ 216.106 of this chapter and 217.106, an LOA may be modified without prior notice or opportunity for public comment. Notice will publish in the **Federal Register** within 30 days of the action.

§§ 217.108–217.109 [Reserved]

[FR Doc. 2025–11748 Filed 6–25–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250623–0105]

RIN 0648–BN51

Fisheries of the Northeastern United States; 2025 Black Sea Bass Recreational Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS announces Federal management measures are waived for the 2025 black sea bass recreational fishery. The implementing regulations for this fishery require NMFS to publish recreational measures for the fishing year and to provide an opportunity for public comment. The intent of this action is to approve conservation equivalency and set management measures that allow this recreational fishery to achieve, but not exceed, the recreational harvest target and thereby prevent overfishing.

DATES: This rule is effective June 25, 2025.

ADDRESSES: Copies of this final rule are available from: Michael Pentony, Regional Administrator, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, and accessible via the internet at: *https://www.fisheries.noaa.gov/action/final-rule-implement-2025-black-sea-bass.*

FOR FURTHER INFORMATION CONTACT: Savannah Lewis, Fishery Management Specialist, (978) 281–9348, or *Savannah.Lewis@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively manage the summer flounder, scup, and black sea bass commercial and recreational fisheries. The Council and the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board (Board) meet together each year to recommend recreational management measures for all three species, generally set for two years, so that recreational harvest achieves, but does not exceed, the recreational harvest targets specified by the Percent Change Approach adopted in the Harvest Control Rule Framework (Framework 17) (88 FR 14499, March 9, 2023).

Pursuant to the regulations at 50 CFR 648.142(d), NOAA's National Marine Fisheries Service (NMFS) must implement coastwide measures or approve conservation-equivalent measures for black sea bass as soon as possible following the Council and Board's recommendation. This action approves conservation equivalency for black sea bass in 2025.

Black Sea Bass Conservation Equivalency

In this final rule, NMFS is implementing conservation equivalency to manage the 2025 black sea bass recreational fishery, as described in the proposed rule published on April 3, 2025 (90 FR 14595). Under conservation equivalency, Federal regulations that apply to the recreational black sea bass fishery are waived and federally permitted party/charter vessels and all recreational vessels fishing in Federal waters are subject to the recreational fishing measures implemented by the state in which they land. This approach allows for more customized measures at a state or regional level that are likely to better meet the needs of anglers in each area, compared to coastwide measures that may be advantageous to anglers in some areas and unnecessarily restrictive in others.

The combination of state/regional measures must be ''equivalent,'' in terms of conservation, to a set of ''non-preferred coastwide measures'' that are recommended by the Council and the Board each year. States, through the Commission, are collectively implementing measures designed to constrain landings to the recreational harvest targets. Additional information on the development of these measures is provided in the proposed rule (90 FR 14595; April 3, 2025) and not repeated here.

2025 Black Sea Bass Recreational Management Measures

On April 23, 2025, the Commission notified NMFS that it had certified that the 2025 recreational fishing measures to be implemented in state waters for black sea bass are, collectively, the conservation equivalent of the season, fish size, and possession limit

prescribed in §§ 648.145(a), 648.146, and 648.147(b). According to § 648.142(d)(2), if conservation equivalency is adopted, vessels subject to the recreational fishing measures are not subject to Federal measures and instead are subject to the recreational fishing measures implemented by the state in which they land. Section 648.151 is amended through this final rule to recognize state-implemented measures as the conservation equivalent of the Federal coastwide recreational management measures for 2025.

Changes From the Proposed Rule

There are no changes from the proposed rule.

Comments and Responses

NMFS received 16 unique comments on the proposed rule (90 FR 14595, April 3, 2025). Comments were received from 12 individuals, the Huntington Angler's Club, the Montauk Boatmen and Captains Association, and two comments were submitted anonymously. Several comments included discussion on changes and recommendations for state management measures, which were not part of the proposed action, and therefore, are not addressed in the following responses. The majority of comments were in support of the proposed action. Comments are grouped and summarized by topic.

Comment 1: Five comments referenced the high biomass of black sea bass and commented on the need for higher catch limits. Three commenters noted that the stock is in good shape, increasing, and has been saved, and that no reductions were needed, but that higher catch limits were needed, with one adding an additional comment that many fish may die from post-release mortality because of the higher biomass. One comment also expressed these views and asked for better use of for-hire vessel trip report (VTR) data for the black sea bass fishery. Finally, one commenter asked for more favorable regulations for just black sea bass, and that there should not be a season for black sea bass.

Response: NMFS agrees that the biomass of black sea bass is high, with the 2024 management track assessment indicating that the stock is 2.19 times the biomass target. No additional reductions are being implemented. The 2025 black sea bass measures are the same as those implemented in 2024.

The overall catch limit (OFL) and corresponding catch limits are based on projections from the 2024 management track stock assessment. The Council and the Commission cooperatively manage summer flounder, scup, and black sea bass. The OFL, ABC, and commercial and recreational quotas for 2025 fishing year for black sea bass have been finalized already through a prior, separate action (89 FR 99138; December 10, 2024).

The Council and the Commission's Management Boards meet jointly each year to recommend recreational management measures. The Percent Change Approach, which was used to determine what, if any, changes to previously implemented measures may be necessary for 2025, was designed by the Council and Commission for managing Mid-Atlantic recreational fisheries. The Percent Change Approach uses two factors to determine if management measures could remain status quo, could be liberalized, or must be restricted. These two factors are: (1) a comparison of the confidence interval (CI) around an estimate of expected harvest under status quo measures with the average recreational harvest limit for the upcoming 2 years; and (2) biomass compared to the target level, as defined by the most recent stock assessment. These two factors also determine the appropriate degree of change (*i.e.,* a percentage change in expected harvest). This approach attempts to constrain harvest to prevent overfishing while also acknowledging that recreational catch estimates are uncertain and often highly variable (more so than commercial catch estimates). The Percent Change Approach makes incremental adjustments, thus reducing the tendency of management measures to chase after the highs and lows by either liberalizing or restricting measures too much in any given year in reaction to potentially large year-to-year variations in recreational catch estimates. This year, the process concluded that no changes were required for 2025.

This rule does not implement state-specific measures for black sea bass, but rather waives the Federal recreational measures for black sea bass through a process called conservation equivalency. Under conservation equivalency, Federal recreational measures are waived and federally permitted for-hire vessels and all recreational vessels fishing in Federal waters are subject to the recreational fishing measures implemented by the state in which they land. States and regions set their own management measures, which are approved through the Commission process. The combination of state or regional measures must achieve equivalent conservation as the non-preferred coastwide measures, which are intended to maintain a status quo recreational harvest.

A response on post-release mortality can be found in Comment 3.

Expanded use of recreational for-hire VTRs may be considered in the future. The Council has initiated an action to consider additional changes to recreational fisheries management, which may include the consideration of enhanced VTR requirements. Please see the following comment, Comment 2, for more information on future Council actions.

Comment 2: Two comments were supportive of the rule while also highlighting the need for future actions. Specifically, both requested additional review of catch data for setting the next cycle of recreational measures for 2026 and 2027 due to the concerns over accurate recreational data. Both comments also asked NMFS to consider the impacts of potential management approaches under development as part of the Recreational Sector Separation Amendment.

Response: The data used to inform the black sea bass recreational management measures are the best available data on recreational catch. In addition to the Marine Recreational Information Program (MRIP), a bioeconomic model developed by the Northeast Fisheries Science Center (the Recreational Demand Model (RDM)) was used to estimate harvest. The RDM uses trip attributes such as expected harvest and costs, as well as the availability of different sizes of fish, to estimate the likelihood that an angler will go fishing under a given set of regulations. The RDM is informed by a 2022 survey of anglers from Maine through Virginia as well as recent size distribution information from the stock assessment.

For 2026 and 2027 measures, the new Recreational Measures Framework—if approved by NMFS and implemented following further notice and comment rulemaking—would be used to set management measures. The new framework, which the Council voted to recommend to NMFS at its April 2025 meeting, incorporates revisions to the existing Percent Change Approach to determine if measures should remain status quo, be restricted, or be liberalized. Additionally, updated MRIP information and a new stock assessment are anticipated to be available for management use. The RDM will be rerun with the updated information to enable states to select appropriate management measures in the future.

In response to considerations in 2027 for mode management and sector separation, the Recreational Sector Separation Amendment is currently in

development by the Council and Commission, and no formal alternatives have been prepared. Therefore, it is not possible to predict how future management measures may be impacted by changes that may be implemented under this action. As NMFS, the Council, and the Commission develop the amendment, there will be continued opportunities for public comment and engagement. NMFS encourages interested parties to continue to engage with the involved bodies as the action continues to be developed.

Comment 3: Two comments focused specifically on post-release mortality and expressed concerns over the practice of ''upgrading'' or ''high-grading'' and supported management measures to reduce mortality.

Response: The most recent stock assessment included information on recreational discards, including specific discard mortality rates for regions and for the commercial and recreational sectors. The assessment output was then used to set catch limits and, within the RDM, to enable states to select appropriate management measures with a greater understanding of the impact of those measures on total mortality. There is mortality associated with all types of fishing and the total mortality described in the assessment includes a percentage of dead fish that were released alive that do not survive, based on scientific research. Any specific change to a management measure to reduce black sea bass fishing mortality or disincentivize specific selective fishing practices would be up to the individual states when they set measures as a part of the conservation equivalency process approved by this action.

Comment 4: One comment supported the proposed rule but had concerns on its implementation and the impacts on recreational anglers, enforcement with sufficient monitoring and reporting systems, and accuracy of recreational data.

Response: This action is routine and expected by the recreational sector and waives Federal management measures in favor of state management measures, which reduces confusion among anglers. NMFS has approved conservationally equivalent recreational measures for black sea bass with similar actions in 2023 and 2024, and therefore, this action should not have large impacts on recreational anglers. As stated in Comment 1, the States set their own management measures and are responsible for enforcing these measures, in coordination with Federal law enforcement. As stated in Comment 2, MRIP and the application of the RDM, a bioeconomic model, are the best scientific tools available for the recreational fishery. Furthermore, the Council is considering revisions to recreational data collection through its Recreational Reform Initiative to improve recreational reporting systems and data accuracy.

Comment 5: Six commenters expressed support for the 2025 black sea bass recreational measures. Commenters cited that this action is a wise use of the resource, appreciated the flexibility given to States and regions to select their own measures, and were supportive of preventing overfishing on the stock.

Response: NMFS agrees. This action approves conservation equivalency for black sea bass for fishing year 2025. See Comment 1 for additional information on conservation equivalency.

Classification

Pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1855(d)), the Assistant Administrator for Fisheries, NOAA, has determined that this action is necessary to carry out the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, and its implementing regulations, and that this final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law. In a previous action under section 304(b), the regulations at § 648.142 authorize NMFS to take this action under section 305(d).

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective immediately upon filing with the Office of the Federal Register. Stakeholder and industry groups have been involved with the development of this action and have participated in public meetings throughout the past year. Generally, stakeholders are supportive of the use of conservation equivalency because it allows states, and regions, more flexibility to set measures, instead of one set of coastwide measures that apply to all. A further delay in implementation past the start of the recreational fishing season would be contrary to the public interest, as it could perpetuate confusion both in the recreational fisheries regarding the management measures, and with state agencies as they prepare and finalize their recreational management measures. Until this rule is effective, federally permitted for-hire vessels are subject to the Federal 2024 non-preferred coastwide measures (*i.e.,* 5 fish, 15 inches (38 centimeters) or greater, open season of May 15–September 8), which may be more restrictive than a given the state's measures. This puts federally permitted for-hire vessels in those states at a disadvantage relative to state-only permitted for-hire vessels.

NMFS could not publish this final rule at an earlier date. The recreational management measure setting process begins after the Council and Board provide recommended annual specifications in August of each year, followed by a NMFS notice and comment rulemaking. Throughout the fall, the Council's Monitoring Committee evaluates the needed changes in recreational harvest under the proposed specifications, and develops recommendations for coastwide management measures for the Council and Board to consider. At the December 2024 meeting, the Council and Board voted on recommended recreational management measures. Council staff then prepared and submitted those recommendations to NMFS and NMFS prepared a proposed rule that was published on April 3, 2024, with a public comment period that was open through April 18, 2024. After the comment period closes, NMFS must review, consider, and respond to all comments on the proposed rule and develop the final rule package, which is then subject to further review upon completion. In addition, during the proposed rule development and comment period, the states are developing management measures and submitting that information to the Commission to ensure that the suite of state measures are the conservation equivalent of coastwide Federal measures. The letter confirming conservation equivalent measures from the Commission was received by NMFS on April 23, 2025. Pursuant to §§ 648.102(d)(2)(ii) and 648.142(d)(2)(ii), NMFS cannot finalize conservation equivalency without this information from the Commission.

As noted above, the Federal, non-preferred coastwide measures for black sea bass that were codified last year (89 FR 32374, April 26, 2024) remain in effect until the decision to waive Federal measures for 2025 is made effective by this final rule. Many states have already implemented their conservationally equivalent 2025 measures and have opened their recreational seasons; any additional delay in implementing the measures of this rule will increase confusion on what measures are in place in Federal waters. Inconsistencies between the states' measures and the Federal

measures could lead to misunderstanding of the applicable regulations and could increase the likelihood of noncompliant landings.

Unlike actions that require an adjustment period to comply with new rules, this action does not require recreational and charter/party operators to purchase new equipment or otherwise expend time or money to comply with this action's management measures. Rather, compliance with this final rule simply means adhering to the published state management measures for black sea bass while the recreational and charter/party operators are engaged in fishing activities. For these reasons, the Assistant Administrator finds good cause to waive the 30-day delay in the date of effectiveness and to implement this rule upon the date of filing in the **Federal Register**.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

This final rule is not a regulatory action pursuant to E.O. 14192 because this action is not significant under E.O. 12866.

NMFS has determined that this action would 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; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

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

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 23, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Revise § 648.151 to read as follows:

§ 648.151 Black sea bass conservation equivalency.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2025 are the conservation equivalent of the season, size limits, and possession limit prescribed in §§ 648.146, 648.147(b), and 648.145(a). This determination is based on a recommendation from the Summer Flounder, Scup, and Black Sea Bass Board of the Atlantic States Marine Fisheries Commission.

(1) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels harvesting black sea bass in or from the EEZ and subject to the recreational fishing measures of this part, landing black sea bass in a state whose fishery management measures are determined by the Regional Administrator to be conservation equivalent shall not be subject to the more restrictive Federal measures, pursuant to the provisions of § 648.4(b). Those vessels shall be subject to the recreational fishing measures implemented by the state in which they land.

(2) [Reserved]

(b) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels registered in states and subject to the recreational fishing measures of this part, whose fishery management measures are not determined by the Regional Administrator to be the conservation equivalent of the season, size limits and possession limit prescribed in §§ 648.146, 648.147(b), and 648.145(a), respectively, due to the lack of, or the reversal of, a conservation-equivalent recommendation from the Summer Flounder, Scup, and Black Sea Bass Board of the Atlantic States Marine Fisheries Commission shall be subject to the following precautionary default measures: Season—June 1 through August 31; minimum size—16 inches (40.64 cm); and possession limit—2 fish.

[FR Doc. 2025–11710 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250623–0112]

RTID 0648–XE313

Fisheries of the Northeastern United States; Mid-Atlantic Blueline Tilefish and Golden Tilefish Fisheries; Final 2025–2027 Golden Tilefish Specifications and 2025 Blueline Tilefish Specifications

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

ACTION: Final rule.

SUMMARY: This final rule implements and informs the public of specifications for the 2025 fishing year for the golden tilefish and the blueline tilefish fishery north of the North Carolina/Virginia border and projects specifications for golden tilefish in 2026 and 2027. This action is necessary to establish allowable harvest levels and other management measures to prevent overfishing while allowing optimum yield, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Tilefish Fishery Management Plan (Tilefish FMP).

DATES: This rule is effective June 26, 2025.

ADDRESSES: Copies of the Supplemental Information Reports (SIR) prepared for this action, and other supporting documents for these proposed specifications, are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Matthew Rigdon, Fishery Management Specialist, (978) 281–9336.

SUPPLEMENTARY INFORMATION:

Background

The golden tilefish fishery and the blueline tilefish fishery north of the

North Carolina/Virginia border are managed under the Tilefish FMP, which outlines the process for establishing annual specifications. The Tilefish FMP requires the Mid-Atlantic Fishery Management Council (Council) to recommend acceptable biological catch (ABC), an annual catch limit (ACL), an annual catch target (ACT), total allowable landings (TAL), and other management measures for the commercial and recreational sectors of the fisheries. The Council's Scientific and Statistical Committee (SSC) provides ABC recommendations for both species to the Council to derive these catch limits. The Council makes recommendations to NMFS that cannot exceed the SSC's ABC recommendation. The Council's recommendations must include supporting documentation concerning the environmental, economic, and social impacts of the recommendations. NMFS reviews these recommendations and, if they are approved, publishes the specifications in the **Federal Register**. A proposed rule for these specifications was published on April 1, 2025 (90 FR 14350), and comments were accepted through April 16, 2025. Additional information on the process for setting these specifications is contained in the proposed rule and is not repeated here.

Final Specifications

This action implements status quo recreational blueline tilefish management measures and specifications for 2025, with a lower commercial TAL reduced by the commercial overage in 2024. Preliminary analysis indicates commercial landings exceeded the 2024 ACL by 5,975 pounds (lb; 2.7 metric tons (mt)). The regulations require an overage to be deducted in the following year. The resulting specifications are summarized in table 1.

TABLE 1—BLUELINE TILEFISH SPECIFICATIONS FOR 2025 WITH 2024 SPECIFICATIONS FOR COMPARISON

Specification	2024	2025
ABC—North of NC/VA line	100,520 lb (45.6 mt)	100,520 lb (45.6 mt).
Recreational ACL	73,380 lb (33.3 mt)	73,380 lb (33.3 mt).
Recreational TAL	71,912 lb (32.6 mt)	71,912 lb (32.6 mt).
Commercial ACL	27,140 lb (12.3 mt)	27,140 lb (12.3 mt).
Overage Adjustment	−4,470 lb (2.0 mt)	−5,975 lb (−2.7 mt).
Adjusted Commercial ACL	22,670 lb (10.3 mt)	21,165 lb (9.6 mt).
Commercial TAL	22,399 lb (10.2 mt)	20,894 lb (9.5 mt).

The directed golden tilefish fishery is managed under an individual fishing quota (IFQ) program, with a small amount of non-IFQ catch allowed under an incidental permit. This action implements 2025 and projects 2026 and 2027 specifications for golden tilefish. This action implements a constant-ABC approach, which members of the golden tilefish fishing industry have historically supported. The final specifications for golden tilefish are detailed in table 2.

TABLE 2—GOLDEN TILEFISH SPECIFICATIONS FOR 2025–2027 WITH 2024 SPECIFICATIONS FOR COMPARISON

Specification	2024	2025–2027
ABC	1,964,319 lb (891 mt)	1,878,338 lb (852 mt).
ACL	1,964,319 lb (891 mt)	1,878,338 lb (852 mt).
IFQ ACT	1,763,478 lb (800 mt)	1,733,109 lb (786 mt).
Incidental ACT	92,815 lb (42 mt)	91,216 lb (41 mt).
IFQ TAL	1,763,478 lb (800 mt)	1,728,590 lb (784 mt).
Incidental TAL	75,410 lb (34 mt)	68,949 lb (31 mt).

This action does not change the landing limits for non-IFQ commercial fisheries. A vessel fishing under a non-IFQ Federal commercial tilefish vessel permit will continue to be prohibited from possessing gutted golden tilefish amounting to more than 500 lb (227 kilograms (kg)) or 50 percent by weight of the total of all species being landed, whichever is less. This landing limit does not apply to a vessel authorized to land golden tilefish under a Tilefish IFQ permit. A vessel fishing under a non-IFQ commercial tilefish permit will also continue to be prohibited from possessing more than 500 lb (227 kg) of gutted blueline tilefish per trip. If 70 percent of the blueline tilefish commercial TAL is landed, the Regional Administrator may reduce the blueline tilefish possession limit to 300 lb (136 kg).

This action does not change the recreational management measures for golden or blueline tilefish. Any vessel used to fish recreationally for golden or blueline tilefish must have the appropriate Federal vessel permit. Boats used to take anglers for hire must have the Charter/Party Tilefish Permit, while private recreational vessels need to have the Private Recreational Tilefish Permit. Both permit types require the submission of vessel trip reports. Additional information about permitting and reporting requirements is available from the Greater Atlantic Regional Fisheries Office's Permits Office at (978) 282–8438 or *NMFS.GAR.Permits@noaa.gov.*

The 2025 fishing year for golden tilefish and blueline tilefish began on January 1, 2025. The regulations include rollover provisions for both species that allow the fisheries to operate under status quo specifications until new specifications are approved.

Comments and Responses

We received three comments on the proposed rule. Two of the comments received were not relevant to this rule and are, therefore, not discussed further. No changes were made from the proposed action.

Comment: The commenter is an individual who is not directly involved in either the golden or the blueline tilefish fisheries. The commenter expressed general support for the action and the need for, and importance of,

setting specifications for the tilefish fisheries to prevent overfishing from occurring. The comment notes that specification-setting is also economically important for the industry which utilizes the resource.

Response: NMFS agrees. This action approves 2025 specifications for blueline and golden tilefish and projects 2026 and 2027 golden tilefish specifications.

Classification

NMFS is issuing this rule pursuant to section 305(d) of the Magnuson Stevens Act (16 U.S.C. 1855(d)). In a previous action taken pursuant to section 304(b) of the Magnuson-Stevens Act (16 U.S.C. 1854(b)), the FMP and implementing regulations created the process by which specifications are developed through a NMFS rulemaking process distinct from that of 304(b). See 50 CFR 648.292. As such, NMFS is issuing this rule pursuant to section 305(d). The NMFS Assistant Administrator has determined that this final rule is consistent with the Tilefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date. The 2025 fishing year began on January 1, 2025, operating under a rollover provision using specifications from the prior fishing year. This is a routine specifications action that occurs every year, and stakeholder and industry groups have been involved with the development of this action and have participated in public meetings throughout its development. Further delay in the date of effectiveness would be contrary to the public interest as it could increase confusion in the tilefish industry around current quotas. The 2025 fishing year quotas are slightly lower than the quotas from the prior year that are currently in effect, so continued delay in the effectiveness of this rule could increase the risk of overages that may result in overfishing. Furthermore, regulated parties do not require any additional time to come into compliance with this rule and a 30-day delay before the final rule becomes effective does not provide any benefit. Unlike actions that require an adjustment period, tilefish fishing vessels will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the new catch limits set for the 2025 fishing year. Finally, fishery stakeholders have also been involved in the development of this action and are anticipating this rule. For these reasons, there is good cause not to delay the effective date of this final rule, consistent with 5 U.S.C. 553(d)(3), and to implement this action upon publication in the **Federal Register**.

This final rule is exempt from review under Executive Orders 12866 and 14192.

NMFS has determined that this action would 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; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

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

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

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

Dated: June 23, 2025.

Samuel D. Rauch III,

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

[FR Doc. 2025–11725 Filed 6–25–25; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250623–0108; RTID 0648–XE702]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2025 Small-Mesh Multispecies Specifications

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

ACTION: Final rule.

SUMMARY: NMFS is finalizing specifications for the 2025 small-mesh multispecies fishery, including an annual catch limit (ACL) and total allowable landings (TAL) limit. This action is necessary to fully implement previously projected allowable small-mesh multispecies harvest levels that will prevent overfishing and allow harvesting of optimum yield (OY). This action is intended to establish the allowable 2025 harvest levels, consistent with the Northeast Multispecies Fishery Management Plan (FMP).

DATES: Effective July 28, 2025.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Policy Analyst, (978) 282–8456.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (Council) manages the small-mesh multispecies fishery within the Northeast Multispecies FMP. The small-mesh multispecies fishery is made up of three species of hakes that are managed as five stocks: (1) Northern and southern silver hake; (2) northern and southern red hake; and (3) offshore hake. Southern silver hake and offshore hake are often grouped together for management purposes and collectively referred to as ''southern whiting.'' Amendment 19 to the FMP (April 4, 2013, 78 FR 20260) established a process for specifying catch limits for the small-mesh multispecies fishery stocks, including values for an overfishing limit (OFL), acceptable biological catch (ABC), ACL, and TAL. The FMP requires that this specifications process be implemented on an annual basis for up to 3 years at a time with each fishing year running from May 1 through April 30. Prior to the start of fishing year 2024, the Council recommended specifications for the 2024–2026 fishing years (table 1).

The Council's recommendations for the 2024–2026 small-mesh multispecies fishery specifications are based on the most recent assessments of the small-mesh multispecies stocks conducted in September 2023 and the recommendations from the Council's Scientific and Statistical Committee. The southern red hake stock remains under a rebuilding plan established in Framework Adjustment 62 to the Northeast Multispecies FMP (87 FR 3694, January 25, 2022), and we will continue to implement the 25-percent

reduction on the Council-recommended ABC in accordance with the rebuilding plan. We continue to maintain the position that we do not anticipate the 25-percent reduction to have a meaningful impact on industry. The fishery has landed approximately 19 percent of the TAL for the 2024 fishing year as of the end of February 2025 and is not anticipated to have substantially higher landings for the remainder of the year based on fishing trends over the last three years.

TABLE 1—APPROVED 2024–2026 SMALL-MESH MULTISPECIES SPECIFICATIONS

[Metric tons (mt)]

	OFL	ABC	ACL	TAL
Northern Red Hake	Unknown	3,129	2,973	1,274
Northern Silver Hake	79,473	40,868	38,825	31,347
Southern Red Hake	Unknown	** 1,370	1,301	234
Southern Whiting *	35,419	20,149	19,142	13,881

* Southern whiting includes both southern silver hake and offshore hake.
** Includes a 25-percent reduction on the Council-recommended ABC of 1,826 mt in accordance with the rebuilding plan.

On August 29, 2024, NMFS published a final rule implementing the Council-recommended specifications with the required reduction to southern red hake for the 2024 fishing year, effective through April 30, 2025, and projecting the fishery's specifications for 2025 through 2026 (89 FR 70124). At the end of each fishing year, we evaluate catch information and determine if any of the quotas have been exceeded. If a quota is exceeded, the regulations at 50 CFR 648.90(b)(5)(ii) require that in a subsequent year, the in-season adjustment trigger that reduces possession limits be reduced by the same percentage that the ACL was exceeded. In any given year when new specifications are not implemented by May 1, the start of the new fishing year, the previous year's specifications remain in effect until superseded by the final rule implementing the current year's specifications (50 CFR 648.90(b)(1)(iv)(D)).

Specifications for the 2025 Fishing Year

We have reviewed available 2023 and 2024 fishery information against the projected 2025 specifications. At its September 2024 meeting, the Council received the 2023 year-end report and did not make any recommended changes to the 2025 proposed specifications. There have been no quota overages, nor is there any new biological information that would require altering the projected 2025 specifications published in 2024. Based on this information, we are finalizing specifications for fishing year 2025, as projected in the 2024 specifications rule, and outlined above in table 1. These specifications are not expected to result in overfishing and adequately account for scientific uncertainty. NMFS will provide notice of the final 2026 specifications, and any necessary reductions, prior to the start of the 2026 fishing year.

Classification

NMFS is issuing this rule pursuant to the authority at section 305(d) of the Magnuson-Stevens Act, which authorizes the Secretary of Commerce to implement management measures necessary to carry out an approved FMP. Small-mesh multispecies specifications are implemented pursuant to the regulations at 50 CFR 648.90 that were approved and implemented by NMFS in Amendment 19 to the FMP (78 FR 20260; April 4, 2013). The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, the 2024–2026 small-mesh multispecies specifications, and other applicable law.

This final rule is exempt from review under Executive Order (E.O.) 12866 and from E.O. 14192.

Pursuant to the Administrative Procedure Act (APA) (5 U.S.C. 553(c)) and the process described in the small-mesh multispecies regulations (§ 648.90), NMFS provided the public with the opportunity to comment on the proposed rule to implement 2024–2026 small-mesh multispecies fishery specifications (89 FR 59034; July 22, 2024), which included the projected 2025 specifications that are being reaffirmed through this final rule. We received one comment on the proposed rule that requested we correct the northern red hake TAL to reflect the Council's recommendation and acknowledging our requirement to adjust the southern red hake ABC to meet the requirements of the rebuilding plan. We responded to that comment and made the requested correction in the final rule to implement 2024–2026 small-mesh multispecies specifications (89 FR 70124, August 29, 2024). This final rule contains no changes from the projected 2025 specifications that were included in the August 29, 2024, final rule (89 FR 70124). Through both the proposed rule for the 2024–2026 specifications and the final rule for the 2024 specifications, we alerted the public that we would conduct a review of the latest available catch information in each of the interim years of the multi-year specifications and announce the final quota prior to the May 1 start of the fishing year. Thus, the proposed and final rules that contained the projected 2025 specifications provided a full opportunity for the public to comment on the substance and process of this action. Furthermore, at the September 2024 Council meeting, there was an opportunity for additional public comment following the Whiting Committee report. No comment was received about the proposed 2025 specifications.

The Chief Counsel for Regulation, Department of Commerce, previously certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that the 2024–2026 small-mesh multispecies specifications would not have a significant economic impact on a substantial number of small entities. Implementing the 2025 specifications will not change the conclusions drawn in that previous certification to the SBA. No comments were received regarding this prior certification. As a result, no new regulatory flexibility analysis is required and none has been prepared.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). NMFS has determined that this action would 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; therefore, consultation with Tribal officials under E.O. 13175 is not

required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2)(B) of E.O. 13175 is not required and has not been prepared.

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

Dated: June 23, 2025.

Samuel D. Rauch III,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 250623–0103]

RIN 0648–BN47

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2025 Pacific Whiting U.S. Total Allowable Catch, 2025 Tribal Allocation, 2025 Incidental Set-Aside, and Annual Specifications for 2025 Non-Tribal Fisheries

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

ACTION: Final rule.

SUMMARY: This final rule announces the 2025 U.S. Total Allowable Catch of Pacific whiting and implements the domestic 2025 harvest specifications for Pacific whiting fisheries off the coasts of Washington, Oregon, and California (collectively, the West Coast), including the 2025 Tribal allocation for the Pacific whiting fishery, the non-Tribal fishery Harvest Guideline and sector allocations, and a set-aside for research activities and incidental mortality in non-groundfish fisheries. These measures are intended to help prevent overfishing, achieve optimum yield, ensure that management measures are based on the best scientific information available, and provide for the implementation of Tribal treaty fishing rights.

DATES: Effective June 26, 2025.

ADDRESSES:

Electronic Access

This final rule is accessible via the internet at the Office of the Federal Register website at: *https://www.federalregister.gov.*

Background information for this action and analytical documents for the Regulatory Flexibility Act (RFA), and National Environmental Policy Act (NEPA) are available at the NMFS West Coast region website at: *https://www.fisheries.noaa.gov/action/2025-pacific-whiting-us-total-allowable-catch-2025-tribal-allocation-2025-incidental-set.*

NEPA documents for West Coast groundfish actions are also available at: *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/groundfish-actions-nepa-documents* and at the Pacific Fishery Management Council's (Council) website at: *http://www.pcouncil.org.*

Additional background information for the Pacific Hake/Whiting Treaty can be found at: *https://www.fisheries.noaa.gov/west-coast/laws-policies/pacific-hake-whiting-treaty.*

FOR FURTHER INFORMATION CONTACT: Colin Sayre, phone: 206–526–4656, and email: *Colin.Sayre@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The final rule announces the U.S. total allowable catch (TAC) for Pacific whiting, which was determined under the terms of the Agreement Between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting of 2003 (Agreement). This final rule also establishes a Tribal Pacific whiting allocation based on a percentage of the recommended U.S. TAC of Pacific whiting, a 2025 set-aside for research and incidental mortality in non-groundfish fisheries, and the 2025 Harvest Guideline (HG) and sector allocations for the non-Tribal commercial Pacific whiting fishery. NMFS implements these actions under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP), sections 304(b) and 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Pacific Whiting Act of 2006 (Whiting Act), and other applicable laws.

The Tribal and non-Tribal commercial Pacific whiting fisheries open on May 1 of each year. The Tribal and non-Tribal commercial sector allocations for Pacific whiting, as well as set-asides, are effective until December 31, 2025.

Pacific Whiting Agreement

The transboundary stock of Pacific whiting is managed through the Agreement. The Agreement establishes bilateral management bodies to implement the terms of the Agreement. The bilateral bodies include: the Joint Management Committee (JMC), which recommends the annual catch limit for Pacific whiting; the Joint Technical Committee (JTC), which conducts the Pacific whiting stock assessment; the Scientific Review Group (SRG), which reviews the stock assessment; and the Advisory Panel (AP), which provides stakeholder input to the JMC. NMFS issued a proposed rule on April 15, 2025 (90 FR 15675) that further describes the Agreement, the distribution of the Pacific whiting coastwide TAC between the United States (73.88 percent) and Canada (26.12 percent), the bilateral bodies to implement the terms of the Agreement, including the JMC, and the process used to determine the coastwide TAC under the Agreement.

2025 TAC Recommendation and Approval

The Treaty's AP and the JMC met in Victoria, British Columbia on March 11–13, 2025, to develop advice on a 2025 coastwide TAC. The AP provided its 2025 TAC recommendation to the JMC on March 12, 2025. The JMC reviewed the advice of the JTC, the SRG, and the AP, and agreed on a TAC recommendation for transmittal to the United States and Canadian Governments.

The Agreement directs the JMC to base the catch limit recommendation on the F–40 default harvest rate, unless scientific evidence demonstrates that a different harvest rate is necessary to sustain the offshore Pacific whiting resource. The F–40 default harvest rate is a fishing mortality rate that would reduce the spawning biomass of Pacific whiting to 40 percent of the estimated unfished level. After consideration of the 2025 stock assessment and other relevant scientific information, the JMC did not use the default harvest rate, and instead agreed on a more conservative approach. There were 4 primary reasons for choosing a TAC below the default harvest rate: (1) the last available survey biomass estimate (from 2023) was the third lowest in the time series; (2) the proportion of fish in Canadian waters was at an all-time low; (3) catch attainment for both countries declined in the last two years reaching all-time lows relative to their respective TAC levels in 2024; and (4) the biomass of whiting has shifted south in both 2023 and 2024 resulting in lower observed biomass off Washington and Oregon, and higher biomass off of California waters. Further, long-term trends in acoustic survey biomass show lower

proportions of whiting migrating into Canadian waters. The JMC concluded that these factors warranted setting the coastwide TAC below the 2024 value of 555,000 metric tons (mt), and lower than the level that would result from application of the F–40 default harvest rate. This conservative approach was endorsed by the AP and is consistent with Article III.1. of the Agreement.

The Agreement allows an adjusted TAC when either country's catch exceeds or is less than its TAC in the prior year. If the catch is in excess of the country's TAC, the amount of the overage is deducted from that country's TAC in the following year. If catch falls short of the country's TAC, a portion of the shortfall is carried over and added to the country's TAC for the following year. Under the Agreement, carryover adjustments cannot not exceed 15 percent of a party country's unadjusted TAC for the year in which the shortfall occurred. In 2024, neither country fully attained their respective TACs. The percentage of the U.S. TAC attained for 2024 is detailed in the Final Regulatory Flexibility Analysis (FRFA) (see the **ADDRESSES** section), which is summarized in the Classification section below.

For the 2025 Pacific whiting fishery, the JMC recommended an unadjusted coastwide TAC of 328,973 mt. Based on Article III.2 of the Agreement, the Canadian share of the unadjusted coastwide TAC is 26.12 percent (85,928 mt) and the U.S. share is 73.88 percent (243,045 mt). Consistent with Article II.5(b) of the Agreement, an adjustment (carryover from 2024) of 18,552 mt is added to the Canadian share, for an adjusted Canadian TAC of 104,480 mt. In the same manner, an adjustment of 52,475 mt is added to the United States share, for an adjusted United States TAC of 295,520 mt. This results in a coastwide adjusted TAC of 400,000 mt for 2025.

This recommendation is consistent with the best available scientific information and provisions of the Agreement. The recommendation was transmitted via letter to the United States and Canadian Governments on March 13, 2025. NMFS, under delegation of authority from the Secretary of Commerce (Secretary), approved the TAC recommendation of 243,045 mt for U.S. fisheries on April 17, 2025.

This final rule announces the adjusted coastwide TAC of 400,000 mt and an adjusted U.S. TAC of 295,520 mt.

Tribal Allocations

This final rule establishes the Tribal allocation of Pacific whiting for 2025. Four Washington coastal treaty Indian Tribes—the Makah Indian Tribe, the Quileute Indian Tribe, the Quinault Indian Nation, and the Hoh Indian Tribe (collectively, the Treaty Tribes)—can participate in the Tribal Pacific whiting fishery. The regulations at 50 CFR 660.50(d) identify the procedures for implementing the treaty rights that Pacific Coast Treaty Tribes have to harvest groundfish in their usual and accustomed fishing areas in U.S. waters, including the process by which Tribes with treaty fishing rights in the area covered by the FMP request allocations, set-asides, or regulations specific to the Treaty Tribes. 50 CFR 660.50(d) provides that the Secretary will develop Tribal allocations and regulations in consultation with the affected Treaty Tribes and, insofar as possible, with Tribal agreement.

NMFS allocates a portion of the U.S. TAC of Pacific whiting to the Tribal fishery following the process established in 50 CFR 660.50(d). The Tribal allocation is subtracted from the U.S. Pacific whiting TAC before allocation to the non-Tribal sectors.

In its proposed rule issued on April 15, 2025 (90 FR 15675), NMFS described the Tribal allocation as 17.5 percent of the U.S. TAC, and projected a range of potential Tribal allocations for 2025 based on a range of U.S. TACs over the last 10 years (plus or minus 15 percent to capture variability in stock abundance). The proposed rule used a range of U.S. TACs because the 2025 U.S. TAC was not approved before the proposed rule publication date. As described in the proposed rule, the resulting range of potential Tribal allocations was 48,354 mt and 92,927 mt. Applying the approach described in the proposed rule, NMFS is establishing the 2025 Tribal allocation of 51,716 mt in this final rule, which is 17.5 percent of the U.S. TAC of 295,520 mt.

As with prior Tribal allocations of Pacific whiting, this final rule is not intended to establish a precedent for future Pacific whiting seasons, or for the determination of the total amount of Pacific whiting to which the Tribes are entitled under their treaty right. In 2009, NMFS, the States of Washington and Oregon, and the coastal treaty Tribes started a process to determine the long-term Tribal allocation for Pacific whiting; however, no long-term allocation has been determined. The long-term Tribal treaty amount will be based on further development of scientific information and additional coordination and discussion with and among the coastal treaty Tribes and the States of Washington and Oregon.

Set-Asides for Research and Incidental Mortality in Non-Groundfish Fisheries

The U.S. non-Tribal whiting fishery is managed under the FMP. Each year, the Council recommends a set-aside to accommodate research activities and incidental mortality in non-groundfish fisheries (*e.g.,* pink shrimp) based on estimates of scientific research catch and estimated bycatch mortality in non-groundfish fisheries (50 CFR 660.55(j)). At its November 2024 meeting, the Council recommended a research and incidental mortality set-aside of 750 mt for 2025, which would be unchanged from 2024. This final rule implements the Council's recommendation for a 750 mt set-aside for 2025.

Non-Tribal Harvest Guideline and Allocations

This final rule implements the fishery HG (*i.e.,* the non-Tribal allocation) and non-Tribal commercial sector allocations for Pacific whiting for 2025. NMFS did not include the non-Tribal HG and sector allocations in the proposed rule due to the timing of the TAC recommendation and approval process under the Agreement and the Whiting Act. The non-Tribal HG and sector allocations could not be determined for the proposed rule because they are based on the U.S. TAC. NMFS, under delegation of authority from the Secretary of Commerce, approved the U.S. TAC for Pacific whiting on April 17, 2025, which was after the publication of the proposed ruled. The U.S. Agreement committees and interested parties were notified via direct email when the TAC was approved, and interim sector allocations were issued to open the fishery, on May 1.

Each year NMFS establishes the non-Tribal fishery HG for Pacific whiting and distributes it to the non-Tribal sectors according to the commercial allocation structure in the FMP section 6.3.2.2 and regulations at 50 CFR 660.55(i)(2). To determine the 2025 non-Tribal fishery HG, the 2025 Tribal allocation of 51,716 mt, and the 750 mt set-aside for research and incidental mortality are deducted from the total adjusted U.S. TAC of 295,520 mt, resulting in a fishery HG of 243,054 mt.

The HG is then allocated among the three non-Tribal sectors of the Pacific whiting fishery: The Catcher/Processor (C/P) Co-op Program, the Mothership (MS) Co-op Program and the Shorebased Individual Fishing Quota (IFQ) Program. The C/P Co-op Program is allocated 34 percent (82,638.36 mt for 2025), the MS Co-op Program is allocated 24 percent (58,332.96 mt for 2025), and the

Shorebased IFQ Program is allocated 42 percent (102,082.68 mt for 2025). These commercial sector allocations are summarized in table 1 below. The fishery south of 42° N lat. may not take more than 7,088 mt (5 percent of the Shorebased IFQ Program allocation) prior to May 1, the start of the primary Pacific whiting season north of 42° N lat.

TABLE 1—2025 U.S. PACIFIC WHITING ALLOCATIONS IN METRIC TONS

Sector	2025 Pacific whiting allocation (mt)
Tribal	51,716
Catcher/Processor (C/P) Co-op Program	82,638.36
Mothership (MS) Co-op Program	58,332.96
Shorebased IFQ Program	102,082.68

Comments and Responses

NMFS issued a proposed rule on April 15, 2025 (90 FR 15675). The comment period on the proposed rule closed April 30, 2025. NMFS received three comments from individuals during the comment period. Two of the comments received supported the action. Neither of those comments included further recommendations for changes to the proposed action. The third comment received was not relevant to this rulemaking.

Changes From the Proposed Rule

No substantive changes from the proposed action were made to the final action based on the relevant comments received.

Classification

This final rule is implemented under the statutory and regulatory authority of sections 304(b) and 305(d) of the Magnuson-Stevens Act, the Whiting Act, the regulations governing the groundfish fishery at 50 CFR 660.5–660.360, and other applicable laws. NMFS is using section 305(d) of the Magnuson-Stevens Act for the Tribal allocation because in a previous action taken pursuant to section 304(b), the FMP and its implementing regulations authorize NMFS to take action pursuant to Magnuson-Stevens Act section 305(d).

The NMFS Assistant Administrator has determined that this final rule is consistent with sections 304(b)(1)(a) and 305(d) of the Magnuson-Stevens Act, the Whiting Act, the regulations governing the groundfish fishery at 50 CFR 660.5–660.360, and other applicable laws. Additionally, pursuant to Magnuson-Stevens Act section 305(d), this action is necessary to carry out Tribal allocations, set-asides, and regulations pursuant to FMP section 6.2.5 and 50 CFR 660.50(d)(1) because with this rule, NMFS will ensure that the fishery is managed in a manner consistent with treaty rights of the four Treaty Tribes to fish in their ''usual and accustomed grounds and stations'' in common with non-Tribal citizens (*United States* v. *Washington,* 384 F. Supp. 313 (W.D. Wash. 1974)).

Pursuant to Executive Order 13175, this action was developed after meaningful and timely consultation with Tribal officials from the area covered by the FMP. NMFS consulted with the Treaty Tribes per requirements under the MSA at 16 U.S.C. 1852(b)(5), wherein one of the voting members of the Pacific Council must be a representative of an Indian Tribe with federally recognized fishing rights from the area of the Council's jurisdiction. In addition, NMFS invited consultation on this action through exchanged emails with Tribal officials leading up to the development of the rule and through this rule will implement the allocation requested by the Makah Indian Tribe. Regulations implementing the FMP establish a procedure by which the Tribes with treaty fishing rights in the area covered by the FMP request allocations or regulations specific to the Tribes, in writing, before the first of the two meetings at which the Council considers groundfish management measures. The regulations at 50 CFR 660.50(d)(2) further state that the Secretary will develop Tribal allocations and regulations under this paragraph in consultation with the affected Tribe(s) and, insofar as possible, with Tribal consensus.

Pursuant to 5 U.S.C. 553(d)(3), the NMFS Assistant Administrator finds good cause to waive the 30-day delay in the date of effectiveness for this final rule because such a delay would be contrary to the public interest. The Pacific whiting fishery season began on May 1, 2025 under interim allocations based on a proxy coastwide TAC analyzed in the 2025 Pacific whiting stock assessment (see **ADDRESSES**). This proxy coastwide TAC was 350,000 mt, which is approximately 12.5 percent lower than the 2025 adjusted coastwide TAC of 400,000 mt recommended by the JMC and approved by the Secretary. If the non-Tribal commercial sectors fully harvest this partial interim allocation before the final TAC is implemented, NMFS will be required to close the Pacific whiting fishery until such time that the full 2025 season allocation is implemented. Timely implementation of the full TAC will avoid the need to close the Pacific whiting fishery if the current interim allocations are fully harvested.

As the Pacific whiting season is only open from May 1 to December 31, a 30-day delay in the implementation of the full 2025 season allocations represents a significant operational limitation to the commercial whiting sectors. If this final rule were delayed by 30 days, the Pacific whiting commercial sectors would not be able to fish under the final catch limits for Pacific whiting for that time period, be at risk of potential premature season closure, and would not be able to realize the full level of economic opportunity this rule provides. This rule increases catch limits for Pacific whiting compared to the restrictive partial interim allocation the fishery is currently operating under, and NMFS therefore finds good cause to waive the 30-day delay in the date of effectiveness requirement.

Additionally, many vessels in the Pacific whiting fishery also participate in the Alaskan pollock fishery. The Alaskan pollock fishery B-season typically runs from mid-June to mid-November of each year, overlapping with the May 1 to December 31 Pacific whiting season. Vessels that participate in both the West Coast Pacific whiting fishery, and the Alaskan pollock fishery must time operations and travel between these fisheries. Without having access to their full 2025 Pacific whiting season allocations, fishery participants are unable to plan the timing of their operations, and are restricted in their participation in these fisheries for the 2025 season. Issuing complete 2025 Pacific whiting allocations to quota owners in a timely fashion ensures they can plan their participation for the year in both the Pacific whiting and Alaskan pollock fisheries. Implementing this rule upon the date of publication relieves the limitation in planning vessel operations and provides the commercial whiting fleet more opportunity and greater flexibility to harvest the optimal yield. Waiving the 30-day delay in effectiveness will allow this final rule to more fully benefit the fishery through increased fishing opportunities as described in the preamble of this rule.

This rulemaking could not be completed prior to the May 1 start date of the 2025 Pacific Whiting primary fishing season due to the timeline required by the Agreement, which resulted in the short time frame between the approval of the TAC recommendation and the start of the fishing season. The AP and JMC met in Victoria, British Columbia on March 11–

13, 2025, to develop a recommendation for a 2025 coastwide TAC. At this meeting, the JMC agreed on a TAC recommendation, which was transmitted to the United States and Canadian Governments on March 13, 2025. In a written communication to the NMFS West Coast Region on April 1, 2025, the Department of State concurred with the 2025 TAC recommendation. The proposed rule was published on April 15, 2025 (90 FR 15675). The Department of Commerce consulted with the Department of State on the recommended TAC and concurred with the NMFS West Coast Region on April 17, 2025 to accept the JMC recommended adjusted TAC for 2025. The public comment period closed on April 30, 2025. The 2025 Pacific whiting primary fishing season began shortly thereafter on May 1, 2025. Therefore, NMFS could not issue full season allocations implemented under this final rule prior to the May 1 start date of the Pacific whiting fishery.

Waiving the 30-day delay in effectiveness will not have a negative impact on any entities, as there are no new compliance requirements or other burdens placed on the fishing community with this rule. Making this rule effective immediately would also serve the best interests of the public because it will allow for the longest possible fishing season for Pacific whiting and therefore the best possible economic outcome for those whose livelihoods depend on this fishery.

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866.

This final rule is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

A range of potential total harvest levels for Pacific whiting has been considered in the Final Environmental Impact Statement (FEIS) for Harvest Specifications and Management Measures for 2015–2016 and Biennial Periods thereafter (2015/16 FEIS), and in the Environmental Assessment (EA) and the Regulatory Impact Review (RIR) included in the analytical document for Amendment 30 to the Pacific Coast Groundfish FMP and 2025–2026 Harvest Specifications and Management Measures. These documents are available from NMFS (see **ADDRESSES**). The 2015/16 FEIS examined the harvest specifications and management measures for 2015–2016 and gave 10-year projections for routinely adjusted harvest specifications and management measures. The 10-year projections were produced to evaluate the impacts of the ongoing implementation of harvest specifications and management measures and to evaluate the impacts of the routine adjustments that are the main component of each biennial cycle. The EA for the 2025–2026 cycle builds on the 2015/16 FEIS and focuses on the harvest specifications and management measures that were not within the scope of the 10-year projections in the 2015/16 FEIS.

Final Regulatory Flexibility Analysis

NMFS issued a proposed rule on April 15, 2025 (90 FR 15675) for the 2025 Pacific whiting Tribal allocation and 2025 incidental set-aside. An Initial Regulatory Flexibility Analysis (IRFA) was prepared and summarized in the Classification section of the preamble to the proposed rule. The comment period on the proposed rule closed April 30, 2025. NMFS received two public comments in support of the proposed rule, and one that was not relevant. The Chief Counsel for Advocacy of the Small Business Administration (SBA) did not file any comments on the IRFA or on the proposed rule. The description of this action, its purpose, and its legal basis are described in the preamble to the proposed rule and are not repeated here. A FRFA was prepared and incorporates the IRFA. There were no public comments received on the IRFA. A copy of the FRFA is available from NMFS (see **ADDRESSES**). A summary of the FRFA, per the requirements of 5 U.S.C. 604, follows.

Under the RFA, the term ''small entities'' includes small businesses, small organizations, and small governmental jurisdictions. For purposes of complying with the RFA, NMFS has established size criteria for entities involved in the fishing industry that qualify as small businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide (80 FR 81194, December 29, 2015; 50 CFR part 200). In addition, the SBA has established size criteria for other entities that may be affected by this proposed rule. A wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide (NAICS code 424460; 13 CFR 121.201). A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 750 or fewer persons on a full time, part time, temporary, or other basis, at all its affiliated operations worldwide (NAICS code 311710; 13 CFR 121.201). For purposes of this rulemaking, NMFS is also applying the seafood processor standard to C/Ps because whiting C/Ps earn the majority of the revenue from processed seafood product.

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

NMFS issued a proposed rule on April 15, 2025 (90 FR 15675). The comment period on the proposed rule closed on April 30, 2025, and NMFS received three comments. Two of the comments received supported the action. Neither of those comments provided further recommendations for changes to the proposed action. The third comment received was not relevant to this rulemaking.

Description and Estimate of the Number of Small Entities To Which the Rule Applies

This rule affects how Pacific whiting is allocated to the following sectors/programs: Tribal, Shorebased IFQ Program Trawl Fishery, MS Co-op Program Whiting At-sea Trawl Fishery, and C/P Co-op Program Whiting At-sea Trawl Fishery. The amount of Pacific whiting allocated to these sectors is based on the U.S. TAC, which is developed and approved through the process set out in the Agreement and the Whiting Act.

NMFS expects one Tribal entity, the Makah Tribe, to fish for Pacific whiting in 2025. Tribes are not considered small entities for the purposes of RFA. Impacts to Tribes are nevertheless considered in this analysis.

Although there are three non-Tribal sectors directly affected by this rule (the C/P Co-op Program, the Shorebased IFQ Program, and the MS Co-op Program), many companies participate in two sectors, and some participate in all three sectors, as well as other non-whiting groundfish fisheries. For example, some companies may own permits in both the C/P and MS sectors, and own vessels capable of operating as either a C/P or an MS. Depending on the operational needs of the parent company in a given year, a C/P vessel may be assigned a permit to alternatively act as an MS. As part of the permit application processes for the non-Tribal fisheries, NMFS asks permit applicants if they considered themselves a small business based on a review of the SBA size criteria and asks

each permit applicant to provide detailed ownership information. Data on employment worldwide, including affiliates, are not available for these companies, which generally operate in Alaska as well as on the West Coast in non-whiting groundfish fisheries and may have operations in other countries, as well. NMFS requests that limited entry permit holders self-report their size status. There is substantial, but not complete, overlap between permit ownership and vessel ownership, so there may be a small number of additional small entity vessel owners who will be impacted by this rule.

The C/P Co-op Program is composed of 10 C/P endorsed permits owned by 3 companies that have formed a single co-op. This co-op is considered a large entity both because it has participants that are large entities and because it has in total more than 750 employees worldwide including affiliates. For 2025, all 3 owners of the 10 C/P permits reported that they are not small businesses.

As of January 2025, the Shorebased IFQ Program is composed of 158 Quota Share permits/accounts (120 of which were allocated whiting quota pounds (54 kilograms) and 39 licensed first receiver sites, of which 7 companies receive whiting. Of these companies that receive whiting, six are not considered small entities.

The MS Co-op Program is the limited access program that applies to eligible harvesters and processors in the MS sector of the Pacific whiting at-sea trawl fishery. In 2025 this program consists of 6 MS processor permits and a catcher vessel fleet currently composed of a single co-op with 33 Mothership/Catcher Vessel endorsed permits (with 3 permits each having two catch history assignments). For 2025, 8 permits in the MS Co-op reported that they are not small businesses.

An Explanation of the Criteria Used To Evaluate Whether the Rule Would Impose Effects on ''a Substantial Number'' of Small Entities

After accounting for cross-fishery participation, multiple Quota Share account holders, and affiliation through ownership, NMFS estimates based on 2025 permit registration and quota share information that there are 100 non-Tribal entities directly affected by these regulations, 86 of which are considered small entities. This is considered a significant number of small entities. This rule is not expected to result in adverse impacts on small entities, as detailed in the following sections of this FRFA.

Estimate of Economic Impacts by Entity Size and Industry

The final rule will allocate Pacific whiting between Tribal and non-Tribal commercial harvesters (a mixture of small and large businesses). Tribal fisheries consist of a mixture of fishing activities that are similar to the activities that non-Tribal fisheries undertake. Tribal harvests may be delivered to both shoreside plants and motherships for processing. These processing facilities also process fish harvested by non-Tribal fisheries. The effect of the Tribal allocation on non-Tribal fisheries will depend on the level of Tribal harvests relative to their allocation and the reapportionment process as described in regulations at 50 CFR 660.131(h). If the Tribes do not harvest their entire allocation, there are opportunities during the year to reapportion unharvested Tribal amounts to the non-Tribal commercial fleets.

The prices for Pacific whiting are largely determined by the world market because most of the Pacific whiting harvested in the United States is exported. The U.S. Pacific whiting TAC is highly variable, as is subsequent attainment of sector allocations, and ex-vessel revenues. For the years 2013 to 2023, the U.S. non-Tribal commercial fishery sectors averaged harvests of approximately 262,531 mt, and revenues of $52.7 million annually. The 2024 average ex-vessel price of Pacific whiting, which was $230.91 per mt. The 2024 U.S. non-Tribal commercial fishery sectors attained a Pacific whiting catch of approximately 165,061 mt out of a harvest guideline of 337,528 mt (48.9 percent attainment), resulting in a total revenue of $46.6 million.

Impacts to the U.S. non-Tribal fishery are measured with an estimate of ex-vessel revenue. The adjusted coastwide TAC of 400,000 mt results in an adjusted U.S. TAC of 295,520 mt and, after deduction of the Tribal allocation and the incidental catch set-aside, a U.S. non-tribal harvest guideline of 243,054 mt. Using the 2024 weighted-average non-Tribal price of $230.91 per mt, the 2025 adjusted U.S. TAC is estimated to result in an ex-vessel revenue of $56.12 million for the U.S. non-tribal fishing fleet if 100 percent harvested. Due to operational constraints in 2025, the U.S. commercial sectors estimate a 75 percent attainment of the U.S. HG which would result in an ex-vessel revenue of $42.09 million.

Impacts to Tribal catcher vessels who elect to participate in the Tribal fishery are measured with an estimate of ex-vessel revenue. In lieu of more complete information on Tribal deliveries, total ex-vessel revenue is estimated with the 2024 average ex-vessel price of Pacific whiting, which was $230.91 per mt. At that price, the 2025 Tribal allocation of 51,716 mt would potentially have an ex-vessel value of $11.94 million if fully harvested.

The effect of the Tribal allocation on non-Tribal fisheries will depend on the level of Tribal harvests relative to their allocation and the reapportionment process. For example, in 2024 NMFS reapportioned 40,000 mt of the original 71,755.95 mt Tribal allocation (89 FR 84302, October 22, 2024). The revised Pacific whiting allocations for 2024 following the reapportionment were: Tribal 26,755.95 mt; C/P Co-op 130,059.53 mt; MS Co-op 91,806.73 mt; and Shorebased IFQ Program 160,661.78 mt. Shoreside processors are unlikely to be impacted by allocating U.S, Pacific whiting TAC between Tribal and non-Tribal sectors because they can receive and process landings from both Tribal and non-Tribal catcher vessels.

Regulatory Flexibility Act Determination of No Significant Impact

NMFS has determined this final rule would not have a significant economic impact on small entities. This rule is similar to previous rulemakings concerning Pacific whiting. In the context of an internationally set TAC, this rule concerns the amount of the U.S. TAC that should be allocated to the Tribal fishery and to a set-aside for research and bycatch in non-groundfish fisheries, and announces Pacific whiting allocations for the non-Tribal fishery for 2025. With this final rule, NMFS, acting on behalf of the Secretary, determined that the Pacific Coast Groundfish FMP is implemented in a manner consistent with treaty rights of four Treaty Tribes to fish in their ''usual and accustomed grounds and stations'' in common with non-tribal citizens (*United States* v. *Washington,* 384 F. Supp. 313 (W.D. Wash. 1974)). Pacific whiting allocations to the non-Tribal sectors provide additional economic opportunity to the entities considered in this analysis to prosecute a quota species within a multi-species groundfish catch share program. In addition, the reapportioning process allows unharvested Tribal allocations of Pacific whiting, fished by small entities, to be fished by the non-Tribal fleets, potentially providing economic benefits to both large and small entities. NMFS believes this rule will not adversely affect small entities. Thus, as discussed above, this action would not have a significant economic impact on small entities. The TAC recommendation and resulting non-Tribal commercial sector

allocations are based on the Treaty-based JMC recommendation and are non-discretionary, therefore NMFS did not consider any other alternatives.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

No Federal rules have been identified that duplicate, overlap, or conflict with this action.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. Stakeholders subscribed to the Groundfish and Whiting listservs will be sent a public notice providing links to the final rule and the small entity compliance guide available from NMFS at the following website: *https://www.fisheries.noaa.gov/action/2025-pacific-whiting-us-total-allowable-catch-2025-tribal-allocation-2025-incidental-set.* Stakeholders will receive the notice without any further action on their end.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: June 23, 2025.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.50, revise paragraph (f)(17) to read as follows:

§ 660.50 Pacific Coast treaty Indian fisheries.

* * * * *

(f) * * *

(17) *Pacific whiting.* The Tribal allocation for 2025 is 51,716 mt, which is 17.5 percent of the 295,520 mt U.S. TAC.

* * * * *

■ 3. Amend Table 1a to part 660, subpart C–2025, Specifications of OFL, ABC, ACL, ACT and Fishery HG, by revising the entry for ''Pacific Whiting'' and its footnote to read as follows:

TABLE 1a TO PART 660, SUBPART C—2025, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HG

Table 1a. to Part 660, Subpart C—2025, Specifications of OFL, ABC, ACL, ACT and Fishery HG (Weights in Metric Tons). Capitalized stocks are rebuilding.

Stocks	Area	OFL	ABC	ACL [a]	Fishery HG [b]
*	*	*	*	*	*
Pacific Whiting [d]	Coastwide	560,742	([d])	([d])	243,054 ([d])
*	*	*	*	*	*

[d] Pacific hake/whiting. The 2025 OFL of 560,742 mt is based on the 2025 assessment with an F–40 percent of FMSY proxy. The 2025 coastwide adjusted Total Allowable Catch (TAC) is 400,000 mt. The U.S. TAC is 73.88 percent of the coastwide TAC. The 2025 adjusted U.S. TAC is 295,520 mt. From the U.S. TAC, 51,716 mt is deducted to accommodate the Tribal fishery, and 750 mt is deducted to accommodate research and bycatch in other fisheries, resulting in a 2025 non-Tribal fishery HG of 243,054 mt. The TAC for Pacific whiting is established under the provisions of the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting of 2003 and the Pacific Whiting Act of 2006, 16 U.S.C. 7001–7010, and the international exception applies. Therefore, no ABC or ACL values are provided for Pacific whiting.

* * * * *

■ 4. Amend Table 1b to part 660, subpart C, by revising the entry for ''Pacific Whiting'' to read as follows:

TABLE 1b. TO PART 660, SUBPART C—2025, ALLOCATIONS BY SPECIES OR SPECIES GROUP

Table 1b to Part 660, Subpart C—2025, Allocations by Species or Species Group [Weight in Metric Tons]

Stocks/stock complexes	Area	Fishery HG or ACT [a b]	Trawl		Non-trawl	
			%	Mt	%	Mt
*	*	*	*	*	*	*
Pacific whiting	Coastwide	243,054	100	243,054	0	0
*	*	*	*	*	*	*

■ 5. In § 660.140, amend table 1 to paragraph (d)(1)(ii)(D) by revising the entry for ''Pacific Whiting'' to read as follows:

§ 660.140 Shorebased IFQ Program.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(D) * * *

TABLE 1 TO PARAGRAPH (d)(1)(ii)(D)—SHOREBASED TRAWL ALLOCATIONS FOR 2025 AND 2026

IFQ species	Area	2025 Shorebased trawl allocation (mt)	2026 Shorebased trawl allocation (mt)
* * * * *	*	*	*
Pacific whiting [a]	Coastwide	102,082.68	TBD
* * * * *	*	*	*

[a] Managed through an annual international process. These allocations will be updated when announced.

[FR Doc. 2025–11726 Filed 6–25–25; 8:45 am]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 90, No. 121
Thursday, June 26, 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 JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1494]

Schedules of Controlled Substances: Temporary Placement of Seven Benzimidazole-Opioids in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Proposed amendment; notice of intent.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration is issuing this notice of intent to publish a temporary order to schedule seven benzimidazole-opioid substances in schedule I of the Controlled Substances Act. When it is finalized, the temporary scheduling order will 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, or possess) or propose to handle these seven specified substances.

DATES: June 26, 2025.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

As required by 5 U.S.C. 553(b)(4), a summary of this notice may be found in the docket (DEA–1494) for this rulemaking at *www.regulations.gov.*

SUPPLEMENTARY INFORMATION: The notice of intent contained in this document is issued pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order [1] (in the form of a temporary amendment) to add these seven benzimidazole-opioid substances, 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, to schedule I under the Controlled Substances Act (CSA):

- 2-(2-((2,3-dihydrobenzofuran-5-yl)methyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (commonly known as, ethyleneoxynitazene),
- 2-(2-(benzodioxol-5-ylmethyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (commonly known as, methylenedioxynitazene or 3′,4′-methylenedioxynitazene),
- 2-(2-(4-ethoxybenzyl)-5-methyl-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (commonly known as, 5-methyl etodesnitazene),
- 2-(2-(4-ethoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N*-ethylethan-1-amine (commonly known as, *N*-desethyl etonitazene),
- *N*-ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (commonly known as, *N*-desethyl protonitazene),
- 2-(2-(4-ethoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-dimethylethan-1-amine (commonly known as, *N,N*-dimethylamino etonitazene), and
- 2-(4-isopropoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (commonly known as, *N*-pyrrolidino isotonitazene).

The temporary scheduling order will be published in the **Federal Register** on or after July 28, 2025.

Legal Authority

The CSA provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the evaluation requirements of 21 U.S.C. 811(b), if she finds that such action is necessary to avoid an imminent hazard to the public safety.[2] In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1) while the substance is temporarily controlled under section 811(h), the Attorney General may extend the temporary scheduling for up to one year.[3]

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 355.[4] The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of DEA (Administrator).[5]

Background

The CSA requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of an intent to temporarily place a substance in schedule I of the CSA (*i.e.,* to issue a temporary scheduling order).[6] By letter dated April 15, 2025, the Acting Administrator transmitted the required notice to place ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene in schedule I on a temporary basis to the Assistant Secretary for Health of HHS (Assistant Secretary).[7] On May 20, 2025, the Acting Assistant Secretary responded to this notice and advised DEA that, based on a review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications (IND) or approved new drug applications (NDA) for ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene. The Acting Assistant Secretary also stated that HHS had no objection to the temporary placement of these seven substances in schedule I of the CSA. Ethyleneoxynitazene,

[1] Though DEA has used the term ''final order'' with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a ''temporary scheduling order.'' No substantive change is intended.

[2] 21 U.S.C. 811(h)(1).

[3] 21 U.S.C. 811(h)(2).

[4] 21 U.S.C. 811(h)(1); 21 CFR part 1308.

[5] 28 CFR 0.100.

[6] 21 U.S.C. 811(h)(4).

[7] The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations. *Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91–513, As Amended; Delegation of Authority,* 58 FR 35460 (July 1, 1993).

methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene are not currently listed in any schedule under the CSA, and no exemptions or approvals under 21 U.S.C. 355 are in effect for these substances.

To find that temporarily placing a substance in schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Acting Administrator must consider three of the eight factors set forth in 21 U.S.C. 811(c): the substance's history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to the public health.[8] This consideration includes any information indicating actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution of ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene.[9]

Substances meeting the statutory requirements for temporary scheduling may only be placed in schedule I.[10] Substances in schedule I have high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision.[11]

Seven Benzimidazole-Opioids: Ethyleneoxynitazene, Methylenedioxynitazene, 5-Methyl Etodesnitazene, *N*-Desethyl Etonitazene, *N*-Desethyl Protonitazene, *N,N*-Dimethylamino Etonitazene, and *N*-Pyrrolidino Isotonitazene

The availability of synthetic opioids in the illicit drug market continues to pose an imminent hazard to the public safety. Adverse health effects associated with the abuse of synthetic opioids and the continued evolution and increased popularity of these substances have been a serious concern in recent years. As the United States continues to experience an unprecedented epidemic of opioid misuse and abuse, the presence of new synthetic opioids with no approved medical use exacerbates the epidemic. The trafficking and abuse of new synthetic opioids are deadly new trends. The benzimidazole-opioids have a similar pharmacological profile to fentanyl, morphine, and other mu-opioid receptor agonists. Beginning in 2019, this class of synthetic opioids known as benzimidazole-opioids, commonly referred to as ''nitazenes,'' appeared in the United States and have dominated the opioid recreational drug market. Between August 2020 and July 2024, DEA has temporarily controlled 10 benzimidazole-opioids because they posed a threat to public safety.[12] Recently, additional benzimidazole-opioids have been identified within the rapidly expanding class of ''nitazene'' compounds in the recreational drug market. Ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene etonitazene are some of the recently encountered ''nitazene'' synthetic opioids identified in the illicit drug market.

The benzimidazole-opioids have contributed to numerous fatalities. The continued trafficking and identification of benzimidazole-opioids in toxicology cases pose a significant threat to public health and safety. The misuse and abuse of synthetic opioids have led to devastating consequences including death. Preclinical pharmacology data demonstrate that ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene have pharmacological profiles similar to those of the potent benzimidazole-opioids etonitazene, metonitazene, and protonitazene, schedule I opioid substances. Thus, it is expected that these substances will have similar harmful effects in humans. Accordingly, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, and *N*-pyrrolidino isotonitazene have been positively identified in at least 37 toxicology cases. As the United States continues to experience a high number of opioid-involved overdoses and mortalities, the introduction of new designer opioids further exacerbates the current opioid epidemic.

Available data and information for ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene, summarized below, indicate that these substances have high potentials for abuse, no currently accepted medical uses in treatment in the United States,[13] and a lack of accepted safety for use under medical supervision. DEA's three-factor analysis is available in its entirety under ''Supporting and Related Material'' of the public docket for this action at *www.regulations.gov* under Docket Number DEA–1494.

[8] 21 U.S.C. 811(h)(3).

[9] 21 U.S.C. 811(h)(3).

[10] 21 U.S.C. 811(h)(1).

[11] 21 U.S.C. 812(b)(1).

[12] Schedules of Controlled Substances: Temporary Placement of Butonitazene, Etodesnitazene, Flunitazene, Metodesnitazene, Metonitazene, *N*-Pyrrolidino etonitazene, and Protonitazene in Schedule I, 87 FR 21556 (Apr. 12, 2022); Schedules of Controlled Substances: Temporary Placement of Isotonitazene in Schedule I, 85 FR 51342 (Aug. 20, 2020); Schedules of Controlled Substances: Temporary Placement of *N*-Desethyl Isotonitazene and *N*-Piperidinyl Etonitazene in Schedule I, 89 FR 60817 (Jul. 29, 2024).

[13] When finding schedule I placement on a temporary basis is necessary to avoid imminent hazard to the public, 21 U.S.C. 811(h) does not require DEA to consider whether the substance has a currently accepted medical use in treatment in the United States. Nonetheless, there is no evidence suggesting that ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene have 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 or substance that has not been approved by the 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. *See 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 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 notice of intent, there is no evidence that health care providers have widespread experience with medical use of these seven substances or that the use of these substances is recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied. By letter dated May 20, 2025, DEA has been advised by HHS that there are currently no approved new drug applications or investigational new drug applications for seven benzimidazole-opioids. Additionally, HHS communicated no objections to the temporary placement of these substances into schedule I of the CSA.

Factor 4. History and Current Pattern of Abuse

Benzimidazole-opioids were originally synthesized and studied for their analgesic properties in the 1950s by the pharmaceutical research laboratories of the Swiss chemical company Chemical Industries Basel. The research produced a group of structurally unique benzimidazole derivatives with analgesic properties; however, the research effort did not produce any medically approved analgesic products. Since 2019, there has been an emergence of benzimidazole-opioid compounds on the illicit drug market, which have been positively identified in numerous cases of fatal overdose events. These benzimidazole-opioid derivatives include schedule I substances, such as synthetic opioids clonitazene, etonitazene, and isotonitazene.

Recently, ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene have emerged in the illicit drug market. Law enforcement officers have encountered these seven substances in solid forms (*e.g.,* powder and tablets) and are often mixed with other illicit drugs. Commonly, benzimidazole-opioids are co-detected with designer benzodiazepines, a combination that poses significant risk to users. These substances are not approved pharmaceutical products, and they are not approved for medical use anywhere in the world. In a letter to DEA dated May 20, 2025, the Acting Assistant Secretary stated that there are no FDA-approved NDAs or INDs for ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene in the United States; hence, there are no legitimate channels for these substances as marketed drug products.

Reports of detection of benzimidazole-opioids in forensic casework are on the rise. The appearance of benzimidazole-opioids on the illicit drug market is similar to other designer opioid drugs trafficked for their psychoactive effects. These substances are likely to be abused in the same manner as schedule I opioids, such as etonitazene, isotonitazene, and heroin. In 2023 and 2024, ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene emerged on the illicit synthetic drug market as evidenced by their identification in forensic drug seizures and in biological samples.[14] According to the National Forensic Laboratory Information System (NFLIS-Drug) and DEA STARLiMS databases, law enforcement encounters of ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene have been identified in powder or tablet forms.

Factor 5. Scope, Duration and Significance of Abuse

Ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene, similar to etonitazene, metonitazene, and protonitazene (schedule I substances), have been described as potent synthetic opioids, and evidence suggests they are abused for their opioidergic effects (see Factor 6). The abuse of these benzimidazole-opioids, similar to other synthetic opioids, has resulted in serious adverse health effects. According to the center for forensic science research education (CFSRE) monograph reports published between November 2023 and December 2024, some of these benzimidazole-opioids have been co-identified with designer benzodiazepines, fentanyl, heroin, or another benzimidazole-opioids.[15]

Data from law enforcement suggest that ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N*-pyrrolidino isotonitazene, and *N,N*-dimethylamino etonitazene are being abused in the United States as recreational drugs.[16] Since 2023, there have been 184 exhibits reported to the NFLIS-Drug database (which collects drug identification results from drug cases submitted to and analyzed by federal, state, and local forensic laboratories,) pertaining to the trafficking, distribution, and abuse of these substances.[17] NFLIS registered 14 encounters of ethyleneoxynitazene from 5 states; 19 encounters of methylenedioxynitazene from 5 states; four encounters of 5-methyl etodesnitazene from 1 state, 114 encounters of *N*-desethyl etonitazene from 14 states; 9 encounters of *N*-desethyl protonitazene from 6 states; 12 encounters of *N,N*-dimethylamino etonitazene from 4 states; 12 encounters of *N*-pyrrolidino isotonitazene from 9 states According to data from DEA STARLiMS database, there have been 66 identifications of six of these substances.[18] There have been seven identifications of ethyleneoxynitazene, two identifications of methylenedioxynitazene, 24 identifications of *N*-desethyl etonitazene, seven identifications of *N*-desethyl protonitazene, four identifications of *N*-pyrrolidino isotonitazene and 22 identifications of *N,N*-dimethylamino etonitazene in drug seizures.

Because abusers of these substances are likely to obtain these substances through unregulated sources, the identity, purity, and quantity of these substances 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. Individuals who initiate use (*i.e.,* use a drug for the first time) of these benzimidazole-opioids are likely to be at risk of developing substance use disorder, an overdose event, or death, similar to that of other opioid analgesics (*e.g.,* fentanyl, morphine, etc.). The population likely to abuse these benzimidazole-opioids appears to be the same as those abusing prescription opioid analgesics, fentanyl, and other synthetic drugs. This is evidenced by the types of other drugs co-identified in biological samples and law enforcement encounters. Law enforcement and toxicology reports demonstrate that ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene are being illicitly distributed and abused.

[14] Gao, G., Yang, S., Wang, X., Xiang, P., Ma, L., Yan, F., & Shi, Y. (2025). UHPLC–MS/MS-based analysis of 17 nitazenes in human hair for practical forensic casework with simultaneous separation of 6 groups of isomers. *Journal of pharmaceutical and biomedical analysis, 257, 116707.*

[15] Monographs, *N*-desethyl etonitazene-November 30, 2023; Monographs, 5-methyl etodesnitazene-August 26, 2024); Monographs, Methylenedioxynitazene- August 29, 2024; Monographs- *N*-pyrrolidino isotonitazene.

[16] While law enforcement data are 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).

[17] NFLIS-Drug was queried on May 12, 2025.

[18] There is duplication of records between NFLIS and STARLiMS.

Factor 6. What, if Any, Risk There Is to the Public Health

The increase in opioid overdose deaths in the United States has been exacerbated recently by the availability of potent synthetic opioids on the illicit drug market. Data obtained from pre-clinical studies demonstrate that ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene exhibit pharmacological profiles similar to that of etonitazene, metonitazene, protonitazene, and other mu-opioid receptor agonists.[19] It is well established that substances that act as mu-opioid receptor agonists have a high potential for addiction and can induce dose-dependent respiratory depression. Consistent with any mu-opioid receptor agonist, the potential health and safety risks for users of these substances are high. Data obtained from trend reports published by CFSRE, which reports on NPS opioid positivity in cases and samples types from recreational drug use, medicolegal death investigations, clinical intoxications, and/or driving under the influence of drugs investigations, showed that in 2024, 5-methyl etodesnitazene was identified in six toxicology cases; methylenedioxynitazene in four toxicology cases; *N*-desethyl etonitazene in 11 cases; *N*-desethyl protonitazene was identified as a metabolite of protonitazene in eleven cases and as a parent compound in seven cases; *N*-pyrrolidino isotonitazene has been identified in one toxicology case.[20] A study conducted to develop an analytical method for identifying nitazenes in human hair detected the presence of *N,N*-dimethylamino etonitazene in two biological samples obtained from individuals suspected of smoking tobacco products containing nitazenes.[21]

The public health risks attendant to the abuse of mu-opioid receptor agonists are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses. The introduction of potent synthetic opioids, such as ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene, into the illicit market may serve as a portal to problematic opioid use for those seeking these powerful opioids. The United States is currently experiencing an opioid epidemic, and the presence of synthetic opioids on the illicit drug market further exacerbates the problem. The trafficking and abuse of new synthetic opioids are deadly trends which pose imminent hazard to the public safety. Adverse health effects associated with the abuse of synthetic opioids and the continued evolution and increased popularity of these substances has been a serious concern in recent years. Because of the pharmacological similarities of ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene to other schedule I opioids such as etonitazene and protonitazene, the use of these substances presents high risk of abuse and may negatively affect users and communities. The positive identification of these substances in toxicology and forensic cases demonstrates that the use of these substance is of a serious concern to the public safety. Thus, ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene pose imminent hazard to public safety.

Finding of Necessity of Schedule I Placement To Avoid Imminent Hazard to Public Safety

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conducting of research and chemical analysis, possession, and abuse of ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene pose imminent hazards to public safety. DEA is not aware of any currently accepted medical uses for these substances in the United States. A substance meeting the statutory requirements for temporary scheduling, found in 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I must have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene indicate that these substances meet the three statutory criteria.

As required by 21 U.S.C. 811(h)(4), the Acting Administrator transmitted to the Acting Assistant Secretary, via letter dated April 15, 2025, notice of DEA's intent to place ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene in schedule I on a temporary basis. In a letter dated May 20, 2025, the Acting Assistant Secretary for Health did not object to the temporary placement of these substances in schedule I.

Conclusion

This notice of intent provides the 30-day notice pursuant to 21 U.S.C. 811(h)(1) of DEA's intent to issue a temporary scheduling order. In accordance with 21 U.S.C. 811(h)(1) and (3), the Acting Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene in schedule I of the CSA, and finds that placement of these substances in schedule I is necessary to avoid an imminent hazard to the public safety.

The temporary placement of ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, and *N*-desethyl protonitazene in schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before July 28, 2025. Because the Acting Administrator hereby finds this temporary scheduling order necessary to avoid an imminent hazard to the public safety, it will take effect on the date the order is published in the **Federal Register** and remain in effect for two years, with a possible extension of one

[19] DEA–VA Interagency Agreement. ''In Vitro Receptor and Transporter Assays for Abuse Liability Testing for the DEA by the VA''. Binding and Functional Activity at Delta, Kappa and Mu Opioid Receptors. 2022 2024.

[20] NPS Opioids— 2024 Q1–Q4 reports.

[21] Gao, G., Yang, S., Wang, X., Xiang, P., Ma, L., Yan, F., & Shi, Y. (2025). UHPLC–MS/MS-based analysis of 17 nitazenes in human hair for practical forensic casework with simultaneous separation of 6 groups of isomers. *Journal of pharmaceutical and biomedical analysis, 257,* 116707.

year, pending completion of the regular (permanent) scheduling process.[22] The Acting Administrator intends to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this document. Upon the temporary order's publication, ethyleneoxynitazene, methylenedioxynitazene, 5-methyl etodesnitazene, *N*-desethyl etonitazene, *N*-desethyl protonitazene, *N,N*-dimethylamino etonitazene, and *N*-pyrrolidino isotonitazene will then be subject to the CSA's schedule I regulatory controls and to administrative, civil, and criminal sanctions applicable to their manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession.

The CSA sets forth specific criteria for scheduling drugs or other substances. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures ''on the record after opportunity for a hearing'' conducted pursuant to the provisions of 5 U.S.C. 556 and 557.[23] The regular scheduling process of formal rulemaking affords interested parties appropriate process and the government any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review.[24] Temporary scheduling orders are not subject to judicial review.[25]

Regulatory Analyses

The CSA provides for expedited temporary scheduling actions where necessary to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h)(1), the Administrator, as delegated by the Attorney General, may, by order, temporarily place substances in schedule I. Such orders may not be issued before the expiration of 30 days from: (1) The publication of a notice in the **Federal Register** of the intent to issue such order and the grounds upon which such order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary, as delegated by the Secretary of HHS.[26]

Inasmuch as section 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, including the requirement to publish in the **Federal Register** a notice of intent, the notice-and-comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. The APA expressly differentiates between orders and rules, as it defines an ''order'' to mean a ''final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency *in a matter other than rule making.*'' [27] This contrasts with permanent scheduling actions, which are subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' and final decisions that conclude the scheduling process and are subject to judicial review.[28] The specific language chosen by Congress indicates its intent that DEA issue *orders* instead of proceeding by rulemaking when temporarily scheduling substances. Given that Congress specifically requires the Administrator (as delegated by the Attorney General) to follow rulemaking procedures for *other* kinds of scheduling actions, *see* 21 U.S.C. 811(a), it is noteworthy that, in section 811(h)(1), Congress authorized the issuance of temporary scheduling actions by order rather than by rule.

Even assuming that this notice of intent is subject to section 553 of the APA, the Acting Administrator finds that there is good cause to forgo its notice-and-comment requirements, as any further delays in the process for issuing temporary scheduling orders would be impracticable and contrary to the public interest given the manifest urgency to avoid an imminent hazard to the public safety.

Although DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice-and-comment requirements of section 553 of the APA, DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Acting Administrator took into consideration comments submitted by the then-Assistant Secretary in response to the notices that DEA transmitted to the Assistant Secretary pursuant to such subsection.

Further, DEA believes that this temporary scheduling action is not a ''rule'' as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking. As discussed above, DEA is issuing this notice of intent pursuant to DEA's authority to issue a temporary scheduling order.[29] Therefore, in this instance, since DEA believes this temporary scheduling action is not a ''rule,'' it is not subject to the requirements of the RFA when issuing this temporary action.

In accordance with the principles of Executive Orders (E.O.) 12866, 13563 and 14192, this action is not a significant regulatory action. E.O. 12866 directs 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). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. Because this is not a rulemaking action, this is not a significant regulatory action as defined in Section 3(f) of E.O. 12866. DEA scheduling actions are not subject to E.O. 14192, Unleashing Prosperity Through Deregulation.

This action 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. Therefore, in accordance with E.O. 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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, DEA proposes to amend 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 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 paragraphs (h)(77–83) to read as follows:

[22] 21 U.S.C. 811(h)(1) and (2).

[23] 21 U.S.C. 811.

[24] 21 U.S.C. 877.

[25] 21 U.S.C. 811(h)(6).

[26] 21 U.S.C. 811(h)(1).

[27] 5 U.S.C. 551(6) (emphasis added).

[28] 21 U.S.C. 811(a) and 877.

[29] 21 U.S.C. 811(h)(1).

§ 1308.11 Schedule I.

* * * * *

(h) * * *

*	*	*	*	*	*	*

(77) 2-(2-((2,3-dihydrobenzofuran-5-yl)methyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: Ethyleneoxynitazene)	9770
(78) 2-(2-(benzodioxol-5-ylmethyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other names: Methylenedioxynitazene; 3′,4′-methylenedioxynitazene)	9766
(79) 2-(2-(4-ethoxybenzyl)-5-methyl-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: 5-methyl etodesnitazene)	9767
(80) 2-(2-(4-ethoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N*-ethylethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: *N*-desethyl etonitazene)	9768
(81) *N*-ethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine its isomers, esters, ethers, salts, and salts of isomers, esters and ethers (Other name: *N*-desethyl protonitazene)	9769
(82) 2-(2-(4-ethoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-dimethylethan-1-amine (Other name: *N,N*-dimethylamino etonitazene)	9771
(83) 2-(4-isopropoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (Other name: *N*-pyrrolidino isotonitazene)	9772

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* * * * *

Signing Authority

This document of the Drug Enforcement Administration was signed on June 17, 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**.

Gregory Aul,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–11462 Filed 6–25–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 250618–0101; RTID 0648–XE809]

Fisheries off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications; 2025–2026 Annual Specifications and Management Measures for Pacific Sardine

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement annual harvest specifications and management measures for the northern subpopulation of Pacific sardine (hereafter, Pacific sardine), for the fishing year from July 1, 2025 through June 30, 2026. This proposed rule would prohibit most directed commercial fishing for Pacific sardine off the coasts of Washington, Oregon, and California. Pacific sardine harvest would be allowed only for use as live bait, in minor directed fisheries, as incidental catch in other fisheries, or as authorized under exempted fishing permits. The proposed harvest specifications for 2025–2026 include an overfishing limit of 4,645 metric tons (mt), an acceptable biological catch of 3,957 mt, an annual catch limit of 2,200 mt, and an annual catch target of 2,100 mt. This proposed rule is intended to conserve, manage, and rebuild the Pacific sardine stock off the coasts of Washington, Oregon, and California.

DATES: Comments must be received by July 11, 2025.

ADDRESSES: A plain language summary of this rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2024-0040.* You may submit comments on this document, identified by NOAA–NMFS–2024–0040, by the following method:

- *Electronic Submissions:* Submit all public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2024–0040 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Katie Davis, West Coast Region, NMFS, (323) 372–2126, *Katie.Davis@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the Pacific sardine fishery in the U.S. exclusive economic zone (EEZ) off the Pacific coast (*i.e.,* off the U.S. West Coast states of California, Oregon, and Washington) in accordance with the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). The CPS FMP and its implementing regulations require NMFS to set annual reference points and management measures for the Pacific sardine fishery based on the annual specification framework and control rules in the FMP. These control rules include the harvest guideline (HG) control rule, which, in conjunction with the overfishing limit (OFL) and acceptable biological catch (ABC) control rules in the FMP, are used to set required reference points, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1801 *et seq.*).

The NMFS Southwest Fisheries Science Center (SWFSC) conducts annual stock assessments for Pacific sardine, typically alternating between benchmark assessments in one year and update assessments the following two years. During public meetings each year, the Council and its advisory bodies, including the CPS Management Team,

CPS Advisory Subpanel, and Scientific and Statistical Committee (SSC), review the estimated biomass and the status of the fishery in these stock assessments, and recommend applicable reference points, catch limits, and management measures. Following Council review and public comment, the Council recommends these harvest specifications and management measures and any in-season accountability measures to NMFS, who then reviews the Council's recommendations to ensure they are consistent with the CPS FMP and all applicable laws. Following that review, NMFS publishes annual specifications in the **Federal Register** to establish annual reference points (*e.g.,* the OFL, ABC, and annual catch limit (ACL)) and management measures for each Pacific sardine fishing year.

In 2019, the estimated stock biomass of Pacific sardine dropped below its 50,000-metric-ton minimum stock size threshold (MSST), and NMFS declared the stock overfished. A rebuilding plan for Pacific sardine was finalized as Amendment 18 to the CPS FMP on June 24, 2021 (86 FR 33142), which was challenged in the U.S. District Court for the Northern District of California (Court). In 2024, the Court partially vacated Amendment 18 and ordered NMFS to implement a revised Pacific sardine rebuilding plan by June 1, 2025. The Council submitted their recommendations for a revised Pacific sardine rebuilding plan to NMFS as Amendment 23 to the CPS FMP for review by the Secretary of Commerce. NMFS published an announcement of the availability of Amendment 23 to the CPS FMP on March 12, 2025 (90 FR 11817). If approved, Amendment 23 would set ACLs based on tiered biomass levels: when the estimated biomass is 50,000 mt or less, the ACL would be the lesser of the calculated ABC or 2,200 mt; when the biomass is greater than 50,000 mt, the ACL would be the lesser of the calculated ABC or 5 percent of the biomass.

This rule proposes the Council's recommended catch limits for the July 1, 2025–June 30, 2026 fishing year consistent with their November 2024 recommendations on a revised Pacific sardine rebuilding plan, management measures to ensure that harvest does not exceed those limits, an OFL, and an ABC that takes into consideration uncertainty surrounding the OFL.

Recommended Catch Limits

At the Council's April 2025 meeting, the Council and its advisory bodies reviewed the 2025 stock assessment update for Pacific sardine. Based on this assessment, the associated estimated age 1+ biomass of 30,158 mt, and the control rule formulas in the FMP, NMFS is proposing, as the Council recommended, an OFL of 4,645 mt, an ABC of 3,957 mt, and an ACL of 2,200 mt. The proposed OFL and ABC were based on the control rules in the FMP and on recommendations from the Council's SSC and their determination of best scientific information available for calculating the OFL and recommended precautionary buffer for the ABC.

Since 2014, the SSC has recommended the use of a temperature-recruitment relationship based on a running 3-year average of the California Cooperative Oceanic Fisheries Investigations (CalCOFI) temperature index to calculate the E_{MSY} for Pacific sardine. E_{MSY} is a parameter of the OFL and ABC harvest control rules (see table 1). During recent annual specification discussions, the SSC has recommended that the analysis and assumptions surrounding a CalCOFI-based E_{MSY} be revisited. To help inform the SSC's recommendation for this year's proposed reference points, NMFS conducted a correlation analysis of the CalCOFI-based temperature with sardine productivity (recruits-per-spawner) for the years 1983–2023; an update from the last analysis in 2013 that examined data from 1984 to 2008. In February 2025, NMFS presented the analysis to the SSC's CPS Subcommittee, which reported that ''the analysis demonstrates there is still valid statistical evidence for a relationship between CalCOFI [sea surface temperature] and recruits-per-spawner.'' At the April 2025 Council meeting, the full SSC reviewed the analysis and reported that it ''provides the first of many steps toward potentially updating E_{MSY} for Pacific sardine, but does not compel a change at this time.'' The SSC recommended the 2025–2026 OFL and ABC be calculated using the ''status quo approach to E_{MSY},'' which uses the CalCOFI temperature index.

According to the CPS FMP, the catch limit for the primary directed fishery is determined using the FMP-specified HG formula. This Pacific sardine HG control rule, the primary mechanism for setting the primary directed fishery catch limit, includes a CUTOFF parameter, the lowest level of estimated biomass at which directed harvest is allowed (a biomass level of 150,000 mt). This amount is subtracted from the annual biomass estimate before calculating the applicable HG for the fishing year. Because the biomass estimate used this year (30,158 mt) is below that value, the formula results in an HG of zero, and no Pacific sardine are available for the primary directed fishery during the 2025–2026 fishing season.

Pacific sardine catch during the 2025–2026 fishing season is therefore prohibited unless it is harvested as part of the live bait, tribal,[1] or minor directed fisheries, as incidental catch in other fisheries, or as part of exempted fishing permit (EFP) activities. For these small types of harvests, NMFS is proposing, as the Council recommended, an annual catch target (ACT) of 2,100 mt for the 2025–2026 fishing year. The recommended reference point calculations (*i.e.,* OFL, ABC, and HG as established under Amendment 13 and ACL consistent with their recommendation under Amendment 23 to the CPS FMP) are presented below in table 1.

TABLE 1—OVERFISHING LIMIT (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), HARVEST GUIDELINE (HG), AND ANNUAL CATCH LIMIT (ACL) CALCULATIONS [1]

Harvest specification and formula parameters	Value
BIOMASS (ages 1+, mt)	30,158
BUFFER $_{Pstar}$ (Category 2)	0.8519
Calculated E_{MSY}	0.1771

[1] For the 2025–2026 fishing year, the Quinault Indian Nation has not requested a tribal set-aside, and therefore none is proposed.

TABLE 1—OVERFISHING LIMIT (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), HARVEST GUIDELINE (HG), AND ANNUAL CATCH LIMIT (ACL) CALCULATIONS [1]—Continued

Harvest specification and formula parameters	Value
DISTRIBUTION (U.S.)	0.87
2024–2025 Pacific sardine annual specifications	Metric tons
OFL = BIOMASS * E_{MSY} * DISTRIBUTION	4,645
ABC = BIOMASS * $BUFFER_{0.45}$ * E_{MSY} * DISTRIBUTION	3,957
HG	0
ACL	2,200
ACT	2,100

[1] BUFFER is the percentage reduction of the OFL as determined by the SSC's evaluation of scientific uncertainty (sigma) and the Council's risk policy (P*).

The following are the additional proposed management measures and in-season accountability measures for the 2025–2026 Pacific sardine fishing year:

(1) An incidental per-landing limit of 20 percent (by weight) of Pacific sardine applies to other CPS primary directed fisheries (*e.g.,* Pacific mackerel);

(2) If the ACT of 2,100 mt is attained, then a per-trip limit of 1 mt of Pacific sardine would apply to all CPS fisheries (*i.e.,* (1) would no longer apply); and

(3) An incidental per-landing allowance of 2 mt of Pacific sardine would apply to non-CPS fisheries until the ACL is reached.

In addition to the management measures and in-season accountability measures listed in the previous paragraphs, Pacific sardine catch in the minor directed fishery for finfish remains limited to 1 mt per trip per day, and 1 trip per day by any vessel, per regulations at 50 CFR 660.511(d)(2).

At the April 2025 meeting, the Council also recommended that NMFS approve one EFP proposal requesting an exemption from the prohibition to directly harvest sardine during their discussion of sardine management measures. The EFP proposal included a total amount of up to 520 mt, and will be reviewed and potentially approved by NMFS through a separate process.

All sources of catch including any fishing occurring as part of an EFP, the live bait fishery, and other minimal sources of harvest, such as incidental catch in CPS and non-CPS fisheries and minor directed fishing, would be accounted for against the ACT and ACL.

The NMFS West Coast Regional Administrator would publish a notice in the **Federal Register** to announce when catch reaches the incidental limits, as well as any changes to allowable incidental catch percentages or trip limits. Additionally, to ensure that the regulated community is informed of any closure, NMFS would make announcements through other means available, including emails to fishermen, processors, and state fishery management agencies.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the CPS FMP, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

NMFS finds that a 15-day comment period for this action provides a reasonable opportunity for public participation in this action pursuant to Administrative Procedure Act section 553(c) (5 U.S.C. 553(c)), while also ensuring that the final specifications are in place for the start of the Pacific sardine fishing year on July 1, 2025. Annual harvest specifications and management measures for Pacific sardine are based on an annual stock assessment, which is usually finalized in early Spring and reviewed by the Council and its advisory bodies during the Council's regularly-scheduled meeting in April. NMFS received the recommendations from the Council that form the basis for this rule following the Council's April 2025 meeting. The Council provided an opportunity for public comment at that meeting, as it does every year before adopting the recommended harvest specifications and management measures for the proceeding fishing year. The subject of this proposed rule—the establishment of the reference points—is considered a routine action, because they are calculated annually based on the framework control rules in the FMP. A prolonged comment period and subsequent potential delay in implementation past the start of the 2025 fishing year would be contrary to the public interest, as it could create confusion in the Pacific sardine industry around current specifications and management measures. Such a delay would effectively open the fishery without the restrictions necessary to manage harvest rates for a stock that is rebuilding.

This proposed rule is exempt from review under Executive Order 12866 because it is a routine rule that would implement regulations for less than 1 year.

This proposed rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the reasons provided below.

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates) and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The purpose of this proposed rule is to conserve and rebuild the Pacific sardine stock by preventing overfishing, while still allowing limited harvest opportunity among differing fishery sectors. This will be accomplished by implementing the 2025–2026 annual specifications for Pacific sardine in the U.S. EEZ off the Pacific coast. The small entities that would be affected by the proposed action are the vessels that would be expected to participate in the primary directed Pacific sardine fishery as part of the Pacific coast CPS small purse seine fleet. In 2014 (*i.e.,* the last year that a directed fishery for Pacific sardine was allowed) there were

approximately 81 vessels permitted to operate in the directed sardine fishery component of the CPS fishery off the U.S. West Coast, with that total comprising 58 vessels in the Federal CPS limited entry fishery off California (south of lat. 39° N) and a combined 23 vessels in Oregon and Washington's state Pacific sardine fisheries. NMFS does not collect or have access to information about affiliation between vessels or affiliation between vessels and processing entities in this fishery, or receipts in Alaska, Hawai'i, or international fisheries, so it is possible that some impacted entities may exceed $11 million in ex-vessel revenue or another size-standard threshold. Based on available data, the average annual Pacific coast revenue per vessel for all west coast vessels, including those described above potentially affected by this rule, was well below the threshold level of $11 million as of 2025. Therefore, all of these vessels are considered small businesses under the RFA. Because each affected vessel is a small business, this proposed rule is considered to equally affect all of these small entities in the same manner. Therefore, this rule would not create disproportionate costs between small and large vessels/businesses.

The CPS FMP and its implementing regulations require NMFS to annually set an OFL, ABC, ACL, and HG or annual catch target for the Pacific sardine fishery based on the specified harvest control rules in the FMP applied to the current stock biomass estimate for that year. The derived annual HG is the level typically used to manage the principal commercial sardine fishery and is the harvest level NMFS typically uses for profitability analysis each year. As stated above, the CPS FMP dictates that when the estimated biomass drops below a certain level (150,000 mt), the HG is zero. Because there is again no directed fishing for the 2024–2025 fishing year, as has been the case for the last 10 years, this proposed rule will not change the potential profitability compared to the previous fishing year or years following the closure of the directed fishery. Additionally, the proposed 2025–2026 ACL is still expected to account for the various fishery sector needs (*i.e.,* live bait, incidental catch in other CPS fisheries, EFPs, and minor directed fisheries).

The revenue derived from harvesting Pacific sardine is typically only one of the sources of fishing revenue for the commercial vessels that participate in this fishery. As a result, the economic impact to the fleet from the proposed action cannot be viewed in isolation. From year to year, depending on market conditions and availability of fish, most CPS/sardine vessels supplement their income by harvesting other species. Many vessels in California also harvest anchovy, mackerel, and, in particular, squid, making Pacific sardine only one component of a multi-species CPS fishery. Additionally, some sardine vessels that operate off of Oregon and Washington also fish for salmon in Alaska or squid in California during the times of the year when sardine are not available. The purpose of the incidental catch limits proposed in this action are to ensure the vessels impacted by a prohibition on directly harvesting sardine can still access these other profitable fisheries while minimizing Pacific sardine harvest.

CPS vessels typically rely on multiple species for profitability because abundance of Pacific sardine, like the other CPS stocks, is highly associated with ocean conditions and seasonality. Variability in ocean conditions and season results in variability in the timing and location of CPS harvest throughout the year. Because each species responds to ocean conditions in its own way, not all CPS stocks are likely to be abundant at the same time. Therefore, as abundance levels and markets fluctuate, the CPS fishery as a whole has relied on a group of species for its annual revenues.

Therefore, the proposed action, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act. There are no relevant Federal rules that may duplicate, overlap, or conflict with the proposed action.

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

Dated: June 23, 2025.

Samuel D. Rauch III,

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

[FR Doc. 2025–11737 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 90, No. 121
Thursday, June 26, 2025

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

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Pesticide-Use Proposal.

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of a currently approved information collection, Pesticide-Use Proposal.

DATES: Comments must be received in writing on or before August 25, 2025 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Eric C. Sprague, USDA Forest Service, Forest Health Protection, 1400 Independence Avenue SW, Washington, DC 20250. Comments also may be submitted by email to *eric.sprague@usda.gov.*

Please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *eric.sprague@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Eric C. Sprague, State, Private, and Tribal Forestry, Forest Health Protection, by email *eric.sprague@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Pesticide-Use Proposal.

OMB Number: 0596–0241.

Expiration Date of Approval: May 31, 2025.

Type of Request: Renewal of a currently approved information collection.

Abstract: The Forest Service has Federal land stewardship responsibilities for approximately 193 million acres. Forest Service land management responsibilities require use of integrated pest management, which in certain circumstances includes use of pesticides. The Forest Service currently uses form FS–2100–2, Pesticide-Use Proposal (PUP), internally to collect and review pesticide-applications intended to control pests of grasslands and forests under its administrative responsibility (under FSM 2150, and FSH 2109.14). The Forest Service anticipates requests from outside entities for application of pesticides upon Forest Service administered lands within rights-of-way easements, permitted lands, and under similar circumstances.

The Forest Service proposes to use the PUP form to collect pesticide project information from those outside entities to facilitate authorization of selected activities. Completion of the PUP form includes identification of pests to be controlled, pesticide to be applied, and other regulatory compliance information, such as use of certified applicators. Because pesticide-use projects are designed for local conditions, it is appropriate for the PUP form to be used to ensure that essential details are uniformly assembled for review.

Proposals will be evaluated by Forest Service pesticide use coordinators and other administrative personnel to safeguard human health and ecological protection consistent with Forest Service land use management programs. Form and instructions will be posted on a Forest Service website for ready public availability.

Affected Public: Individuals and Households, Businesses and Organizations, and State, Local, or Tribal Governments responsible for pest control, including vegetation management along rights-of-way, upon lands administered by the Forest Service.

Estimate of Burden per response: 12 hours.

Estimated Annual Number of Respondents: 36.

Estimated Annual Number of Responses: 50.

Estimated Total Annual Burden on Respondents: 600 hours.

Public Comment is Invited: Comment is invited on (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

John Crockett,

Deputy Chief, State, Private and Tribal Forestry.

[FR Doc. 2025–11827 Filed 6–25–25; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Community Forest and Open Space Conservation Program

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of a currently approved information

collection, 0596–0227 Community Forest and Open Space Conservation Program.

DATES: Comments must be received in writing on or before August 25, 2025 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Alice Ewen, Assistant Director, Cooperative Forestry, Mail Stop 1123, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

Comments also may be submitted by email to: *sm.fs.cfp@usda.gov*. Comments submitted in response to this notice may be made available to the public through relevant websites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *sm.fs.cfp@usda.gov*.

FOR FURTHER INFORMATION CONTACT: Margaret Haines, State, Private and Tribal Forestry, Cooperative Forestry Staff, (202) 384–7192. Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Community Forest and Open Space Conservation Program.

Office of Management and Budget (OMB) Number: 0596–0227.

Expiration Date of Approval: January 31, 2026.

Type of Request: Renewal of a currently approved information collection with no revisions.

Abstract: The Forest Service is authorized to implement the Community Forest and Open Space Conservation Program under Section 8003 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246; 122 Stat. 2043; 7 U.S.C. 8701), which amends the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d). The purpose of the Community Forest Program is to achieve community benefits through grants to local governments, Tribal Governments, and qualified nonprofit organizations to establish community forests by acquiring and protecting private forestlands.

The information requirements will be used to help the Forest Service in the following areas: (1) To determine that the applicant is eligible to receive funds under the program, (2) to determine if the proposal meets the qualifications in the law and regulations, (3) to evaluate and rank the proposals based on a standard, consistent information; and (4) to determine if the projects costs are allowable and sufficient cost share is provided.

Local governmental entities, Tribal Governments, and qualified nonprofit organizations are the only entities eligible for the program, and therefore are the only organizations from which information will be collected.

The information collection currently required for a request for proposals and grant application is approved and has been assigned the OMB Control No. 0596–0227.

Affected Public: Non-Profit Organizations, and/or State, Local or Tribal Government.

Estimate of Burden per Response: 24 hours.

Estimated Annual Number of Respondents: 50.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,200 hours.

Comment is Invited:

Comment is invited on: (1) whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request for Office of Management and Budget approval.

John W. Crockett,

Deputy Chief, State, Private and Tribal Forestry.

[FR Doc. 2025–11759 Filed 6–25–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–180–2025]

Foreign-Trade Zone 24; Application for Subzone; PTubes, Inc. d/b/a Feinrohren PT; Waymart, Pennsylvania

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Eastern Distribution Center, Inc., grantee of FTZ 24, requesting subzone status for the facility of PTubes, Inc. d/b/a Feinrohren PT, located in Waymart, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 23, 2025.

The proposed subzone (21.99 acres) is located at 30 Gross Brothers Way, Waymart, Pennsylvania. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 24.

In accordance with the FTZ Board's regulations, Juanita Chen of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is August 5, 2025. Rebuttal comments in response to material submitted during the foregoing period may be submitted through August 20, 2025.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: June 23, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–11750 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2025]

Foreign-Trade Zone (FTZ) 193, Notification of Proposed Production Activity; Lithionics Battery, LLC; (Lithium-Ion Battery Systems and Accessories); Clearwater, Florida

Lithionics Battery, LLC (Lithionics) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Clearwater, Florida within Subzone 193C. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 13, 2025.

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

The proposed finished products include: lithium-ion battery panel assembly displays, vent enclosure assemblies, chargers, wiring harnesses, cores, modules, reception apparatuses, data management systems, heater thermostat kits, combiner boxes, processor and accessories kits; busbar riser kits; lifting straps with hardware kits; direct current (DC) converters; and, circuit breaker enclosures (duty rate ranges from duty-free to 5.8%).

The proposed foreign-status materials/components include: thermal pads; thermal foams; bluetooth removable media; steel binding brackets; threaded mounting adapters; aluminum support rods; aluminum binding insulators; nylon insulators; aluminum support boards; inverters; static converters; lithium-ion batteries; lithium-ion battery modules; alternators; electromagnetic contactors; electrical pin contacts; backing plates; binding plates; adapters; busbar risers; copper busbars; compression plates; copper spacers; copper bus strips; copper shims; nickel plated bus strips; nickel plated busbars; nickel plated over-grid jumpers; panel plates; protection plates; printed circuit board assemblies; wire harnesses; terminators; insulator plates; plastic mounting holders; and, battery cell top support bars (duty rate ranges from duty-free to 5.3%). The request indicates that certain materials/components are subject to duties under section 1702(a)(1)(B) of the International Emergency Economic Powers Act (section 1702), section 232 of the Trade Expansion Act of 1962 (section 232) and section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 1702, section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is August 5, 2025.

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

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: June 23, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–11751 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–887, A–583–865, A–549–840, A–570–104, C–533–888, C–570–105]

Carbon and Alloy Steel Threaded Rod From India, Taiwan, Thailand, and the People's Republic of China: Continuation of Antidumping Duty Orders and Countervailing Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on carbon and alloy steel threaded rod (steel threaded rod) from India, Taiwan, Thailand, and the People's Republic of China (China), and the countervailing duty (CVD) order on steel threaded rod from India and China, would likely lead to the continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable June 20, 2025.

FOR FURTHER INFORMATION CONTACT: Charles Hooker, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6299.

SUPPLEMENTARY INFORMATION:

Background

Between December 13, 2019, and April 9, 2020, Commerce published in the **Federal Register** the AD and CVD orders on steel threaded rod from India, Taiwan, Thailand, and China.[1] On November 1 and 4, 2024, the ITC instituted [2] and Commerce initiated,[3] respectively, the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, Commerce determined that revocation of the *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies and, therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On June 20, 2025, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

[1] *See Carbon and Alloy Steel Threaded Rod from Thailand: Antidumping Duty Order,* 84 FR 68108 (December 13, 2019) (*Thailand Order*); *Carbon and Alloy Steel Threaded Rod from Taiwan: Antidumping Duty Order,* 85 FR 6511 (February 5, 2020) (*Taiwan Order*); and *Carbon and Alloy Steel Threaded Rod from India: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 85 FR 19925 (April 9, 2020) (*India AD Order*); *Carbon and Alloy Steel Threaded Rod from India and the People's Republic of China: Countervailing Duty Orders,* 85 FR 19927 (*India and China CVD Orders*) (April 9, 2020); and *Alloy and Certain Carbon Steel Threaded Rod from the People's Republic of China: Antidumping Duty Order,* 85 FR 19929 (April 9, 2020) (*China AD Order*) (collectively, *Orders*).

[2] *See Aluminum Wire and Cable from China; Institution of Five-Year Reviews,* 89 FR 87401 (November 1, 2024).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 87543 (November 4, 2024).

[4] *See Carbon and Alloy Steel Threaded Rod From India, Taiwan, and Thailand: Final Results of the Expedited First Sunset Reviews of the Antidumping Duty Orders,* 90 FR 11701 (March 11, 2025); *Carbon and Alloy Steel Threaded Rod From India and the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Orders,* 90 FR 11708 (March 11, 2025); and *Carbon and Alloy Steel Threaded Rod from India and the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Orders; Correction,* 90 FR 17241 (April 24, 2025).

[5] *See Carbon and Alloy Steel Threaded Rod from China, India, Taiwan, and Thailand,* 90 FR 26327 (June 20, 2025) (*ITC Final Determination*).

Scope of the Orders

The product covered by these *Orders* are carbon and alloy steel threaded rod. For a complete scope of the *Thailand Order, Taiwan Order, India AD Order,* and *India and China CVD Orders, see* Appendix I. For a complete scope of the *China AD Order, see* Appendix II.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Orders* will be June 20, 2025.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

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

Notification to Interested Parties

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act, and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

[6] *See ITC Final Determination.*

Dated: June 20, 2025.

Christopher Abbott,

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

Appendix I

The merchandise covered by the scope of these orders is carbon and alloy steel threaded rod. Steel threaded rod is certain threaded rod, bar, or studs, of carbon or alloy steel, having a solid, circular cross section of any diameter, in any straight length. Steel threaded rod is normally drawn, cold-rolled, threaded, and straightened, or it may be hot-rolled. In addition, the steel threaded rod, bar, or studs subject to these orders are non-headed and threaded along greater than 25 percent of their total actual length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.,* galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Steel threaded rod is normally produced to American Society for Testing and Materials (ASTM) specifications ASTM A36, ASTM A193 B7/B7m, ASTM A193 B16, ASTM A307, ASTM A320 L7/L7M, ASTM A320 L43, ASTM A354 BC and BD, ASTM A449, ASTM F1554–36, ASTM F1554–55, ASTM F1554 Grade 105, American Society of Mechanical Engineers (ASME) specification ASME B18.31.3, and American Petroleum Institute (API) specification API 20E. All steel threaded rod meeting the physical description set forth above is covered by the scope of these orders, whether or not produced according to a particular standard.

Subject merchandise includes material matching the above description that has been finished, assembled, or packaged in a third country, including by cutting, chamfering, coating, or painting the threaded rod, by attaching the threaded rod to, or packaging it with, another product, or any other finishing, assembly, or packaging operation that would not otherwise remove the merchandise from the scope of the orders if performed in the country of manufacture of the threaded rod.

Carbon and alloy steel threaded rod are also included in the scope of these orders whether or not imported attached to, or in conjunction with, other parts and accessories such as nuts and washers. If carbon and alloy steel threaded rod are imported attached to, or in conjunction with, such non-subject merchandise, only the threaded rod is included in the scope.

Excluded from the scope of these orders are: (1) threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total actual length; and (2) stainless steel threaded rod, defined as steel threaded rod containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with our without other elements.

Excluded from the scope of the antidumping order on steel threaded rod from the People's Republic of China is any merchandise covered by the existing antidumping order on Certain Steel Threaded Rod from the People's Republic of China. *See Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order,* 74 FR 17154 (April 14, 2009).

Specifically excluded from the scope of these orders is threaded rod that is imported as part of a package of hardware in conjunction with a ready-to-assemble piece of furniture.

Steel threaded rod is currently classifiable under subheadings 7318.15.5051, 7318.15.5056, and 7318.15.5090 of the Harmonized Tariff Schedule of the United States (HTSUS). Subject merchandise may also enter under subheading 7318.15.2095 and 7318.19.0000 of the HTSUS. The HTSUS subheadings are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

Appendix II

The merchandise covered by the scope of this order is alloy and certain carbon steel threaded rod. Alloy and certain carbon steel threaded rod are certain threaded rod, bar, or studs, of carbon or alloy steel, having a solid, circular cross section of any diameter, in any straight length. Alloy and certain carbon steel threaded rod are normally drawn, cold-rolled, threaded, and straightened, or it may be hot-rolled. In addition, the alloy and certain carbon steel threaded rod, bar, or studs subject to this order are non-headed and threaded along greater than 25 percent of their total actual length. A variety of finishes or coatings, such as plain oil finish as a temporary rust protectant, zinc coating (*i.e.,* galvanized, whether by electroplating or hot-dipping), paint, and other similar finishes and coatings, may be applied to the merchandise.

Alloy steel threaded rod is normally produced to American Society for Testing and Materials (ASTM) specifications A193 B7/B7m, A193 B16, A320 L7/L7m, A320 L43, A354 BC and BD, and F1554 Grade 105. Other specifications are Society of Automotive Engineers (SAE) specification 1429 grades 5 and 8, International Organization for Standardization (ISO) specification 898 class 8.8 and 10.9, and American Petroleum Institute (API) specification 20E. Certain carbon steel threaded rod is normally produced to ASTM specification A449. All steel threaded rod meeting the physical description set forth above is covered by the scope of this order, whether or not produced according to a particular standard.

Subject merchandise includes material matching the above description that has been finished, assembled, or packaged in a third country, including by cutting, chamfering, coating, or painting the threaded rod, by attaching the threaded rod to, or packaging it with, another product, or any other finishing, assembly, or packaging operation that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the threaded rod.

Alloy and certain carbon steel threaded rod are also included in the scope of this order whether or not imported attached to, or in conjunction with, other parts and accessories such as nuts and washers. If carbon and alloy steel threaded rod are imported attached to, or in conjunction with, such non-subject

merchandise, only the threaded rod is included in the scope.

Excluded from the scope of this order are: (1) threaded rod, bar, or studs which are threaded only on one or both ends and the threading covers 25 percent or less of the total actual length; and (2) stainless steel threaded rod, defined as steel threaded rod containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Excluded from the scope of the antidumping order on steel threaded rod from the People's Republic of China is any merchandise covered by the existing antidumping order on Certain Steel Threaded Rod from the People's Republic of China. *See Certain Steel Threaded Rod from the People's Republic of China: Notice of Antidumping Duty Order,* 74 FR 17154 (April 14, 2009).

Specifically excluded from the scope of this order is threaded rod that is imported as part of a package of hardware in conjunction with a ready-to-assemble piece of furniture.

Alloy and certain carbon steel threaded rod are currently classifiable under subheadings 7318.15.5051, 7318.15.5056, and 7318.15.5090 of the Harmonized Tariff Schedule of the United States (HTSUS). Subject merchandise may also enter under subheading 7318.15.2095 and 7318.19.0000 of the HTSUS. The HTSUS subheadings are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

[FR Doc. 2025–11753 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE992]

Fisheries of the Gulf of America; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 100 Pre-Data Workshop Webinar for Gulf Gray Triggerfish.

SUMMARY: The SEDAR 100 assessment process of Gulf gray triggerfish will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. see **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 100 Pre-Data Workshop Webinar will be held July 15, 2025, from 11 a.m. until 1 p.m. Eastern Time.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (See Contact Information Below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366. Email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with the National Marine Fisheries Service and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species (HMS) Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Pre-Data Workshop scoping webinar are as follows:

Participants will discuss what data may be available for use in the assessment.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least (5) five business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–11826 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE990]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting, hearings, and public comment opportunities.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene three public hearings regarding the trawl catch share program review.

DATES: The hearings will be held on Thursday, July 17, 2025, from 6–9 p.m. Pacific Time (PT), Monday, July 21, 2025, from 6–9 p.m. PT and Tuesday, July 29, 2025, from 9 a.m.–12 p.m. PT. Hearing times are an estimate, hearings will end when business for the day has been completed.

ADDRESSES: The first hearing on July 17, 2025, will be held in Eureka, California. The second hearing on July 21, 2025, will be held in Newport, Oregon. The third hearing on Tuesday, July 29, 2025, will be held online. Meeting location and specifics will be posted on the Pacific Council's website (*https://www.pcouncil.org*) when available.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Jessi Waller, Pacific Council; telephone: (503) 820–2415.

SUPPLEMENTARY INFORMATION: Periodic reviews of catch shares program are required by the Magnuson-Stevens Fishery Conservation and Management Act. The Pacific Council initiated its second review of the trawl catch share program in 2022 and is scheduled to receive a preliminary draft of the review document in September 2025. The three hearings will provide a general briefing on the state of the catch share program since the last review completed in 2017 and provide an opportunity for stakeholder feedback on how the program is performing.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@pcouncil.org;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: June 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–11813 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE985]

South Atlantic Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of the South Atlantic Fishery Management Council's Habitat and Ecosystem Advisory Panel Meeting.

SUMMARY: The Council will hold a meeting of the Habitat and Ecosystem Advisory Panel Tuesday, July 15, 2025 through Thursday, July 17, 2025.

DATES: The Habitat and Ecosystem Advisory Panel (AP) meeting will be held July 15, 2025, from 1 p.m. until 5 p.m.; July 16, 2025, from 8:30 a.m. until 4:30 p.m.; and July 17, 2025, from 8:30 a.m. until 1 p.m., EDT.

ADDRESSES:

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

Meeting Address: The meeting will be held at the Doubletree by Hilton North Charleston Convention Center, 5264 International Blvd., North Charleston, SC 29418. 843–576–0300.

The meeting will also be available via webinar. Registration is required. Webinar registration, an online public comment form, and briefing book materials will be available two weeks prior to the meeting at: *https://safmc.net/advisory-panel-meetings/*.

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, Habitat and Ecosystem Scientist, *Kathleen.howington@safmc.net*; phone: (843) 725–7580.

SUPPLEMENTARY INFORMATION: The Habitat and Ecosystem AP will discuss the revisions to the Council's Alterations to Riverine, Estuarine and Nearshore Flows Policy and the Food Webs and Connectivity Policy. The AP will also discuss the impact of activities related to space exploration off the Florida coast on habitat. The AP will receive their annual summary of projects that were commented on by the Habitat Conservation Division of NOAA and a summary from the National Centers for Coastal Ocean Science on Beneficial Use projects and their impacts on habitat. AP members will receive a presentation on fish mortality that occurred within the vicinity of Coastal Virginia Offshore Wind construction as well as a presentation on the habitat impacts of telecommunication subsea fiber cables to inform the AP of potential impacts future wind energy development may have on the surrounding South Atlantic habitat. The AP will receive an update on the Council's Resilient Fisheries Projects and Changing Ecosystems and Fisheries projects, review the Habitat and Ecosystem AP outreach and communication plan, the AP work plan, and discuss an approach for the next Essential Fish Habitat 5-year review. The AP will provide recommendations to the Council on other topics as needed.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aid should be directed to the Council office (see **ADDRESSES**) five (5) days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: June 24, 2025

Rey Israel Marquez,

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

[FR Doc. 2025–11810 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Transforming In Situ Global Ocean Observing Systems Through Public-Private Partnerships

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic and Atmospheric Research (OAR), Department of Commerce (DOC).

ACTION: Notice; request for information (RFI).

SUMMARY: NOAA recognizes the pivotal roles of academia and industry in driving competition, innovation, and efficiency through strategic public-private partnerships. This RFI is soliciting information from organizations across these various sectors to assess interest and capability for adopting the long-term operation and sustainment of mature global observing systems—or elements of these observing systems (*e.g.,* deployments, data management, etc.). This RFI is for informational purposes only and does not constitute a request for proposals or solicitation for a contract or grant award, nor does it obligate the Government in any way. The Government will not reimburse respondents for any costs associated with responding to this request.

DATES: Responses must be received on or before July 31st.

ADDRESSES: Interested parties are requested to submit capability statements describing their qualifications, expertise, products, and data delivery methods addressing one or

more of the mature observing systems listed below. Submit via email to Katelyn Robinson (*katelyn.robinson@noaa.gov*) and Jessica Snowden (*jessica.snowden@noaa.gov*). Include ''Transforming In Situ Global Ocean Observing Systems through Public-Private Partnerships'' in the subject line of the message. Please include the following key elements:

Organization Information:

A. Contact Information: Key points of contact within the company, such as the primary contact person's name, title, email, and phone number.

B. Past Performance: Examples of previous work, including successful projects, notable clients/funding bodies, and relevant contracts or partnerships. Include descriptions of the following:

1. Organizational history—a description of your organization's primary products, services, and specialized skills relevant to ocean observing systems. Include what sets your organization apart from other companies, such as unique strengths, specialized technologies, methodologies, or service excellence in the ocean observing domain.
2. Resources—provide your past 3 years of contracts or grants, revenue streams, funding, etc.
3. Affiliations.
4. Markets/users/stakeholders being served—as relevant.
5. Other information that demonstrates the viability to provide sustainable operations and data services (*e.g.,* NOAA Readiness Level; *https://orta.research.noaa.gov/support/readiness-levels/*).

Capability Information:

For each ocean observing system or component you're interested in responding, please include the following key elements:

- Potential cost, efficiency gains, or enhanced data quality your solutions can offer;
- Any intellectual property or data ownership/availability considerations;
- Estimated cost of either the entire system, or individual components (such as oceanographic deployment, manufacturing, ocean data management etc.) to be managed.

Collaboration between the private and public sector and academia is encouraged.

Responses shall be limited to 10 pages, including a one-page executive summary, supporting appendices, title page(s), tables, graphics, images, and figures. Each page should be formatted to fit an 8.5 by 11-inch document, with content area not exceeding 6.5 by 9 inches. Use a 12-point proportional font aligned to the left. Information must be submitted in Microsoft Word DOCX or Adobe Acrobat PDF format.

RFI responses must be received via email by the addresses provided below no later than 11:59 p.m. Eastern Standard Time on Thursday, July 31, 2025. Late submissions will not be considered. The Government is not obligated to review responses received after the deadline.

FOR FURTHER INFORMATION CONTACT: Katelyn Robinson; Phone Number: 301–734–1178; Email: *katelyn.robinson@noaa.gov;* Jessica Snowden; Phone Number: 301–427–2465; Email: *jessica.snowden@noaa.gov* or visit the GOMO website at *https://globalocean.noaa.gov/*.

SUPPLEMENTARY INFORMATION:

I. Background

The Global Ocean Monitoring and Observing (GOMO) Program is the U.S. Federal source and international leader for sustained, in situ global ocean observations and information in support of research, monitoring, and prediction. Ocean observations are used in environmental prediction models that help us understand our dynamic ocean and its impact on the environment. Growing recognition of the ocean's importance for environmental prediction, maritime safety and navigation, coastal planning, farming, and the blue economy is driving demand for sustained ocean observing systems across all ocean basins. Overall, GOMO works to build a resilient, innovative, and fully integrated ocean observing system that benefits scientific research, fosters environmental stewardship, and serves the Nation and society.

In order to meet its Mission and Vision, GOMO seeks to optimize its portfolio of ocean observing capabilities. Here, we issue a General RFI to gain actionable information from the commercial and academic sectors on the potential for improved ocean observing frameworks achieved through private sector firms and/or collaborative public-private partnerships.

II. Scope of Information Requested

The scope of the RFI will cover GOMO's mature observing systems. Key considerations on whether to transition activities to the private sector include: (1) the readiness and capacity of private sector firms to offer competitive alternatives or public-private partnerships to meet observing system needs and requirements; and assume components of observing system life-cycle responsibilities; (2) the potential for diversification, lower overall costs, or improved efficiencies/reliability/risk management; and (3) best practices and lessons learned from the NOAA operational observing community and other entities.

III. The Mature Observing Systems

A mature ocean observing system in GOMO's portfolio is a sustained system that consistently delivers known-quality and FAIR (Findable, Accessible, Interoperable, and Reusable) data, meeting user requirements with proven operational stability. It operates with established standards and protocols, sustainable resources, and clear governance. Mature systems demonstrate potential for transition to alternative operational models, including private sector arrangements.

In this RFI we seek feedback on the following mature systems:

1. The Core Argo Float
2. The Drifter Program
3. Tide Gauges

The Argo Program collects information on temperature and salinity amongst other properties across the world's oceans. Core Argo, which we solicit information on here, was the original focus of the program whose mission was to collect measurements down to a depth of 2000 meters. The instruments that the program utilizes, termed floats, are launched from ships and drift with ocean currents collecting data between the surface and 2000 meters.

The Global Drifter Program is a component of the Global Surface Drifting Buoy Array. It comprises a network of satellite-tracked surface drifting buoys that collect in-situ observations of surface ocean conditions such as mixed layer currents, atmospheric pressure, wind, waves, and sea surface temperature.

Tide gauges are fitted with various sensors that allow for in situ observations of sea level change relative to a height reference. In addition, gauges may provide other oceanographic and meteorological data including wind speed and direction, barometric pressure, air temperature, and water temperature.

An information package on these networks is available on the GOMO website (*https://globalocean.noaa.gov/*).

IV. Use of Information Received

This RFI is for informational purposes only and does not guarantee the Government will issue a Request for Proposals (RFP) or award a contract for supplies or services. The information received could impact the Government's decision to release an RFP or multiple

RFPs in the future, but does not obligate the Government in any way. The Government will not reimburse respondents for any costs associated with responding to this request.

Proprietary information will be handled in accordance with the applicable government regulations. Vendors are advised to clearly mark proprietary information as 'Proprietary' on each page to ensure proper handling. Any unmarked information will be considered public domain. The Government is not liable for any damages resulting from proprietary information not properly identified.

Respondents are hereby notified that as part of this evaluation process, NOAA intends to use the information obtained to promote the evolution of NOAA's mature observing systems and ensure alignment with NOAA and Department of Commerce missions. Respondents are also informed that during the RFI evaluation process, agencies may involve Federally Funded Research and Development Centers, Cooperative Institutes, and support contractors to assist with the evaluation.

Participation in this RFI is not a requirement for future opportunities. Vendors who do not submit a response to this RFI are still eligible to submit proposals in response to any future RFP(s) that NOAA may release.

Dated: June 23, 2025.

Emily Larkin,

Director Chief Financial Officer/CAO, (acting), Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2025–11762 Filed 6–25–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE991]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Bluefish Monitoring Committee (MC) will hold a public meeting jointly with the Atlantic States Marine Fisheries Commission's Bluefish Technical Committee.

DATES: The meeting will be held on Tuesday, July 29, 2025, from 1 p.m. to 4:30 p.m. EDT. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar at *www.mafmc.org* prior to the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org*.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Bluefish Monitoring Committee (MC) to recommend 2026–2027 catch and landings limits as well as commercial and recreational management measures. To inform their recommendations, the MC will review recent catch and landings information, the Fishery Performance Report developed by the Advisory Panel, the 2026–2027 ABC recommendation by the SSC, and other relevant information.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

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

Dated: June 24, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–11812 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

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

ACTION: Notice of information collection; request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0024 (Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

DATES: To ensure consideration, you must submit comments regarding this information collection on or before August 25, 2025.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0024 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Raul Tamayo, Senior Legal Advisor, at: United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; 571–272–7728; or *raul.tamayo@uspto.gov* with ''0651–0024 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Patent applications that contain nucleotide and/or amino acid sequence disclosures falling within the definitions of 37 CFR 1.831 (for applications filed on or after July 1, 2022) or 37 CFR 1.821(a) (for applications filed on or before June 30, 2022) must include, as a separate part of the application disclosure, a copy of the sequence listing in accordance with the requirements in 37 CFR 1.831–1.835 or 37 CFR 1.821–1.825, respectively. Applicants may submit sequence listings for both U.S. and international patent applications. For more information concerning the submissions of sequence listings in international applications, see the Patent Cooperation Treaty (PCT) Rules 5.2 and 13*ter,* Annex C of the PCT Administrative Instructions, and section 1848 of the Manual of Patent Examining Procedure

(MPEP) (9th ed., Rev. 01.2024, November 2024).

The USPTO uses the sequence listings during the examination process to determine the patentability of the invention claimed in the application. The USPTO also uses the sequence listings for pre-grant publication of applications and issued patents. Applicants use sequence listings when preparing both national and international patent applications that disclose nucleotide and/or amino acid sequences to provide a written description of the invention and to distinguish the claimed subject matter from the prior art.

This information collection only covers the submission of sequence listing information. Information pertaining to the initial filing of a U.S. patent application is collected under OMB Control Number 0651–0032 (Initial Patent Applications), and information pertaining to the initial filing of international applications is collected under OMB Control Number 0651–0021 (Patent Cooperation Treaty).

For sequence listings filed as 37 CFR 1.825 amendments in applications having a filing date of on or before June 30, 2022, this information collection also accounts for the submission of a new or substitute computer readable form (CRF) copy of the sequence listing under 37 CFR 1.821(e) and 1.824, with the amendment incorporated therein, if necessary, under 37 CFR 1.825(a)(5)(ii) or (b)(6)(ii).

II. Method of Collection

Sequence listings for applications having a filing date of on or after July 1, 2022, must be submitted as XML files, either by electronically transmitting the XML file through the USPTO patent electronic filing system (Patent Center), where the file does not exceed 100MB without compression, or on read-only optical discs. Sequence listings filed as 37 CFR 1.825 amendments in applications having a filing date of on or before June 30, 2022, are preferably submitted as an ASCII plain text file via Patent Center or on a read-only optical disc. They may also be submitted electronically through Patent Center as a PDF or on paper with a submission that is mailed or hand delivered.

III. Data

OMB Control Number: 0651–0024.

Forms: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 30,000 respondents.

Estimated Number of Annual Responses: 30,000 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 6 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed items to the USPTO.

Estimated Total Annual Respondent Burden Hours: 180,000 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $80,460,000.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) x (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Sequence Listing in Application.	30,000	1	30,000	6	180,000	$447	$80,460,000
	Totals	30,000	.....	30,000	.....	180,000	.....	80,460,000

[1] 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association; pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (*https://www.aipla.org/home/news-publications/economic-survey*).

Estimated Total Annual Respondent Non-hourly Cost Burden: $336,973. There are no capital start-up costs, maintenance costs, or recordkeeping costs associated with this information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees and paid postage, is $336,973.

Filing Fees

Sequence Listings for Applications Filed on or After July 1, 2022

Applicants must submit sequence listings as XML files, either by electronically transmitting the XML file through Patent Center, where the file does not exceed 100MB without compression, or on read-only optical discs. Accordingly, the size fees for excess pages under 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s), 1.52(f), and 1.492(j), from which XML file submissions via Patent Center or read-only optical discs are excluded, do not apply to sequence listings filed in applications having a filing date of on or after July 1, 2022.

Sequence Listings for Applications Filed on or Before June 30, 2022

Sequence listings may still be filed in applications having a filing date of on or before June 30, 2022, as amendments that meet the requirements of 37 CFR 1.825. The USPTO prefers that such an amendment be submitted as an ASCII plain text file via Patent Center or a read-only optical disc. If so, the size fees for excess pages under 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s) and 1.52(f), from which ASCII plain text file submissions via Patent Center or read-only optical discs are excluded, do not apply.

However, the USPTO permits the amendment to be submitted electronically through Patent Center as a PDF or on paper. When doing so, the submission may incur a size fee for excess pages under 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s) and 1.52(f).

Specifically, under 37 CFR 1.16(s), if a patent application inclusive of a sequence listing amendment filed as a PDF or on paper exceeds 100 pages, the application size fee is $450 ($180 for small entities, $90 for micro entities) for each additional 50 pages or fraction thereof. For the purposes of this calculation, the USPTO assumes that the average length of a sequence listing filed as a PDF or on paper is 150 pages, which would result in a total size fee of three times the $450 application size fee under 37 CFR 1.16(s), *i.e.,* $1,350 ($540 for small entities, $270 for micro entities) for applications that are at least 100 pages long prior to the sequence listing amendment. The USPTO estimates that 67 respondents annually will file sequence listing amendments as a PDF or on paper that will require the payment, on average, of $1,350 for the

undiscounted utility application size fee under 37 CFR 1.16(s). The USPTO presents this estimate in Table 2 below as 201 responses annually for the undiscounted utility application size fee under 37 CFR 1.16(s) of $450 (67 respondents paying the fee three times). Table 2 also reflects similar adjustments for the small and micro entity discounted utility application size fee under 37 CFR 1.16(s).

Mega-Sequence Listings

Regardless of application filing date, the USPTO's receipt in electronic form of a very lengthy sequence listing (mega-sequence listing) in an application under 35 U.S.C. 111 or 371 is subject to the fee under 37 CFR 1.21(o). In particular, the first receipt by the USPTO of a sequence listing in electronic form ranging in size from 300MB to 800MB (without file compression) incurs the fee under 37 CFR 1.21(o)(1). The first receipt by the USPTO of a sequence listing in electronic form exceeding 800MB (without file compression) incurs the fee under 37 CFR 1.21(o)(2).

Late Furnishing Fee in PCT Applications

Where a PCT applicant has not provided a sequence listing, and the USPTO acts as the International Searching Authority (ISA) or International Preliminary Examining Authority (IPEA), the USPTO may invite the applicant to furnish a sequence listing, with a late furnishing fee under 37 CFR 1.445(a)(5) and 1.482(c), under PCT Rule 13ter. See section 1848(I) of the MPEP for more information.

TABLE 2—FILING FEES

Item No.	Fee code	Item	Estimated annual respondents paying a fee (a)	Number of responses per respondent (b)	Estimated annual number of fees being paid (c)	Filing fee ($) (d)	Non-hourly cost burden (c) × (d) = (e)
1	1081	Utility application size fee under 37 CFR 1.16(s) (undiscounted entity).	67	3	201	$450	$90,450
1	2081	Utility application size fee under 37 CFR 1.16(s) (small entity).	82	3	246	180	44,280
1	3081	Utility application size fee under 37 CFR 1.16(s) (micro entity).	1	3	3	90	270
1	1091	Submission of sequence listings of 300MB to 800MB (undiscounted entity).	10	1	10	1,140	11,400
1	2091	Submission of sequence listings of 300MB to 800MB (small entity).	1	1	1	456	456
1	3091	Submission of sequence listings of 300MB to 800MB (micro entity).	1	1	1	228	228
1	1092	Submission of sequence listings of more than 800MB (undiscounted entity).	1	1	1	11,290	11,290
1	2092	Submission of sequence listings of more than 800MB (small entity).	1	1	1	4,516	4,516
1	3092	Submission of sequence listings of more than 800MB (micro entity).	1	1	1	2,258	2,258
1	1627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (undiscounted entity).	230	1	230	345	79,350
1	2627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (small entity).	645	1	645	138	89,010
1	3627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13*ter* (micro entity).	5	1	5	69	345
		Totals	1,045	.....	1,345	.....	333,853

Postage Costs

Sequence listings filed as 37 CFR 1.825 amendments in applications having a filing date of on or before June 30, 2022, may be submitted by mail through the United States Postal Service. The USPTO estimates that at most 1% of the 30,000 items will be submitted in the mail resulting in 300 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be $10.40. Therefore, the USPTO estimates the total mailing costs for this information collection at $3,120.

IV. Request for Comments

The USPTO is soliciting public comments to:

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

(b) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

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

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

All comments submitted in response to this notice are a matter of public record. The USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While one may ask in a comment to withhold

PII from public view, the USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2025–11798 Filed 6–25–25; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* July 27, 2025.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322 or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On April 18, 2025, the Committee for Purchase From People Who Are Blind or Severely Disabled (operating as the U.S. AbilityOne Commission) published an initial notice of proposed additions to the Procurement List. (90 FR 16511). The Committee determined that the service(s) listed below is suitable for procurement by the Federal Government and has added this service to the Procurement List as a mandatory purchase for the contracting activity listed below. In accordance with 41 CFR 51–5.3(b), the mandatory purchase requirement is limited to the contracting activity at location listed, and in accordance with 41 CFR 51–5.2, the Committee has authorized nonprofit agency listed as the mandatory source(s) of supply.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.

2. The action will result in authorizing small entities to furnish the service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service(s) are added to the Procurement List:

Service(s)

Service Type: Building Management Services
Mandatory for: US Army, MEDCoE, 32d Brigade Medical, Bldgs 1002, 3312, and 3314, JBSA Fort Sam Houston, TX
Authorized Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: DEPT OF THE AIR FORCE, FA3016 502 CONS CL JBSA

Deletions

On May 23, 2025 (90 FR 22064), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5340–00–NIB–0142—Electronic Push Button Lockset, Philadelphia-style Lever, Small Format Interchangeable Core
5340–00–NIB–0143—Electronic Push Button Lockset, Philadelphia-style Lever, Large Format Interchangeable Core
Authorized Source of Supply: CINCINNATI ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED, Cincinnati, OH
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s): 7530–00–NIB–0193—Folder, Medical, Outpatient
Mandatory Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: STRATEGIC ACQUISITION CENTER, FREDERICKSBURG, VA

NSN(s)—Product Name(s): 6515–00–NIB–8388—Kit, Surgical Team, Air Force Austere Custom Packs (AFAST–CP)
Authorized Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
8105–00–NIB–1021—Bag, Paper, Grocers
8105–00–NIB–1024—Grocery Bag, Paper
8105–00–NIB–1025—Grocery Bag, Paper
Authorized Source of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: DEFENSE COMMISSARY AGENCY, FORT GREGG–ADAMS, VA

Service(s)

Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 1, Burlington Federal Building, 58 Pearl Street, Burlington, VT
Authorized Source of Supply: Northern New England Employment Services, Portland, ME
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R1

Service Type: Document Destruction
Mandatory for: Railroad Retirement Board, Headquarters Building, 844 North Rush Street Chicago, IL
Contracting Activity: RAILROAD RETIREMENT BOARD, RRB—ACQUISITION MGMT DIVISION

Service Type: Laundry Service
Mandatory for: FEMA, National Emergency

Training Center, 16825 South Seton Avenue Emmitsburg, MD
Authorized Source of Supply: Louise W. Eggleston Center, Inc., Norfolk, VA
Contracting Activity: FEDERAL EMERGENCY MANAGEMENT AGENCY, PREPAREDNESS SECTION(PRE20)

Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 3, LeHigh Valley International Airport, TSA Space, 3311 Airport Road, Allentown, PA
Authorized Source of Supply: Via of the Lehigh Valley, Inc., Bethlehem, PA
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R3

Service Type: Operation of USDA Cental Shpg. & Rcvg.
Mandatory for: US Department of Agriculture, Central Shipping and Receiving Facility, 12th & C Streets SW, Washington, DC
Authorized Source of Supply: ServiceSource, Inc., Oakton, VA
Contracting Activity: USDA, DEPARTMENTAL ADMINISTRATION, USDA, OCP–POD–ACQ–MGMT–BRANCH–FTC

Service Type: Janitorial/Custodial
Mandatory for: US Army Reserve, Butler USARC/BMA #110 S–S, 360 Evans City Road, Butler, PA
Authorized Source of Supply: VGS, Inc., Cleveland, OH
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA

Service Type: Janitorial/Grounds and Related Services
Mandatory for: US Army Reserve, Elihu Root USARC, 95 Burrstone Road, Utica, NY
Authorized Source of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2025–11764 Filed 6–25–25; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

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

DATES: Comments must be submitted on or before July 28, 2025.

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

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0080, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx*.

Or by either of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov;* and refer to OMB Control No. 3038–0080.

SUPPLEMENTARY INFORMATION:

Title: Annual Report for Chief Compliance Officer of Registrants (OMB Control No. 3038–0080). This is a request for an extension of a currently approved information collection.

Abstract: On April 3, 2012, the Commission adopted Regulation 3.3 (Chief Compliance Officer)[2] under sections 4d(d) and 4s(k)[3] of the Commodity Exchange Act (''CEA''). Commission Regulation 3.3 requires each futures commission merchant (''FCM''), swap dealer (''SD''), and major swap participant (''MSP'') to designate, by filing a Form 8–R, a chief compliance officer (''CCO'') who is responsible for: (1) administering each registrant's policies and procedures relating to its business as a SD, MSP, or FCM that are required to be established pursuant to the CEA and Commission regulations; (2) taking reasonable steps to resolve material conflicts of interest relating to the registrant's business as a SD, MSP, or FCM; (3) taking reasonable steps to ensure compliance with the CEA and Commission regulations relating to the registrant's business as a SD, MSP, or FCM; (4) taking reasonable steps to ensure the registrant establishes, maintains, and reviews written policies and procedures reasonably designed to remediate noncompliance issues identified by the CCO; (5) taking reasonable steps to ensure the registrant establishes procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues; (6) preparing, signing, certifying, furnishing to the board of directors, senior officers, and (if applicable) audit committee, and filing with the Commission an annual compliance report that contains the information specified in Commission regulation 3.3(e). Commission regulation 3.3 also requires that SDs, MSPs, and FCMs: (1) amend the annual report if material errors or omissions are identified; (2)

[1] 17 CFR 145.9.

[2] 17 CFR 3.3.

[3] 7 U.S.C. 6d(d) and 6s(k).

request that the Commission grant an extension of time to furnish the annual report, if failure to timely furnish could not be eliminated without unreasonable effort or expense; and (3) maintain records of the registrant's compliance policies and procedures and records related to the annual report.

The information collection obligations imposed by Commission Regulation 3.3 are essential to ensuring that FCMs, SDs, and MSPs maintain comprehensive policies and procedures that promote compliance with the CEA and Commission regulations. In particular, the Commission believes that, among other things, these obligations (1) promote compliance behavior through periodic self-evaluation, (2) inform the Commission of possible compliance weaknesses, (3) assist the Commission in determining whether the registrant remains in compliance with the CEA and Commission regulations, and (4) help the Commission to assess whether the registrant has mechanisms in place to adequately address compliance problems that could lead to a failure of the registrant.

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. On April 8, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 15139 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection. There are 168 currently registered respondents.[4] There are no currently registered MSPs. The respondent burden for this collection is estimated to be as follows:

Number of Registrants: 168.

Estimated Average Burden Hours per Registrant: 1,006.

Estimated Aggregate Burden Hours: 169,008.

Frequency of Recordkeeping: Annually or on occasion.

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

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

[4] The 60-Day Notice reflected an estimate of 166 respondents. Based on this number of respondents, the Commission had previously estimated that the annual burden hours for all respondents totaled 166,996. These estimates have been updated based on the most recent available data on the total number of respondents as shown here.

Dated: June 24, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–11801 Filed 6–25–25; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

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

DATES: Comments must be submitted on or before July 28, 2025.

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

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0087, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov;* and refer to OMB Control No. 3038–0087.

SUPPLEMENTARY INFORMATION:

Title: Reporting, Recordkeeping, and Daily Trading Records Requirements for Swap Dealers and Major Swap Participants (OMB Control Nos. 3038–0087). This is a request for an extension of a currently approved information collection.

Abstract: On April 3, 2012, the Commission adopted Commission regulations 23.201 through 23.205 (Reporting, Recordkeeping, and Daily Trading Records Requirements For Swap Dealers and Major Swap Participants)[2] pursuant to sections 4s(f)[3] and 4s(g)[4] of the Commodity Exchange Act (''CEA'').[5] Commission regulations 23.201 through 23.205 require, among other things, swap

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

[2] 17 CFR 23.201–23.205.

[3] 7 U.S.C. 6s(f).

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

[5] 77 FR 20128 (Apr. 3, 2012).

dealers (''SDs'') [6] and major swap participants (''MSPs'') [7] to maintain transaction and position records of their swaps (including daily trading records) and to maintain specified business records (including records related to the governance and financial status of the SD or MSP, complaints received by such SD or MSP and such SD or MSP's marketing and sales materials). They also require SDs and MSPs to report certain swap transaction data to swap data repositories (''SDRs''), to satisfy certain real time public reporting requirements, and to maintain records of information reported to SDRs and for real time reporting purposes.[8] The Commission believes that the information collection obligations imposed by Commission regulations 23.201 through 23.205 are necessary to implement sections 4s(f) and 4s(g) of the CEA, including ensuring that each SD and MSP maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction.

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. On April 8, 2025, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 90 FR 15138 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is not revising its estimate of the burden for this collection to reflect the current number of respondents and estimated burden hours.[9] The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 107.

Estimated Average Burden Hours per Respondent: 2,096.

Estimated Total Annual Burden Hours: 224,272.

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 24, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–11803 Filed 6–25–25; 8:45 am]

BILLING CODE 6351–01–P

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

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

[8] *See* 17 CFR 23.201–23.205.

[9] The 60-Day Notice reflected an estimate of 106 respondents. Based on this number of respondents, the Commission had previously estimated that the annual burden hours for all respondents totaled 222,176. These estimates have been updated based on the most recent available data on the total number of respondents as shown here.

DEPARTMENT OF EDUCATION

Applications for New Awards; Rehabilitation Training: Innovative Rehabilitation Training Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The U.S. Department of Education (Department) is issuing a notice inviting applications (NIA) for fiscal year (FY) 2025 for the Innovative Rehabilitation Training program.

DATES:

Applications Available: June 30, 2025.

Application Deadline: July 28, 2025.

Deadline for Intergovernmental Review: September 24, 2025.

Pre-Application Resources: OSERS will provide resources specific to this competition which will be available at *https://ncrtm.ed.gov/RSAGrantInfo.aspx.* OSERS invites you to send questions to *84.263G@ed.gov.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to the Application Submission Instructions section.

FOR FURTHER INFORMATION CONTACT: Felipe Lulli, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A10, Washington, DC 20202–2800. Telephone: (202) 987–0128. Email: *84.263G@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Innovative Rehabilitation Training program is designed to develop: (a) new types of training programs for rehabilitation personnel and to demonstrate the effectiveness of these new types of training programs for rehabilitation personnel in providing rehabilitation services to individuals with disabilities; (b) new and improved methods of training rehabilitation personnel so that there may be a more effective delivery of rehabilitation services to individuals with disabilities by designated State rehabilitation agencies and designated State rehabilitation units or other public or non-profit rehabilitation service agencies or organizations; and (c) new innovative training programs for VR professionals and paraprofessionals to have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities so they can more effectively provide VR services to individuals with disabilities.

Assistance Listing Number: 84.263G.

OMB Control Number: 1894–0006.

Eligible Applicants: States and public or private nonprofit agencies and organizations, including Indian Tribes and institutions of higher education.

Type of Award: Discretionary grants.

Estimated Available Funds: $3,200,000.

Estimated Range of Awards: $500,000–$640,000.

Maximum Award: We will not make an award exceeding $640,000 for a single budget period of 12 months.

Note: The Department is not bound by any estimates in this notice.

Estimated Number of Awards: Five to Seven.

Note: The Secretary intends to fund at least five projects in FY 2025, including one project addressing each of the five identified topic areas, provided we receive applications of sufficient quality under each topic area. As a result, the Secretary may fund applications out of rank order. Applicants may submit an application under more than one topic area. Applicants may also combine multiple topic areas in one application and submit it under Topic Area 5, Field Initiated.

Project Period: Up to 60 months.

Absolute Priority: For FY 2025, and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority, with five related topic areas. In accordance with 34 CFR 74.105(b)(2)(ii), this priority is from the Notice of Final Priority and Requirements (NFP) published elsewhere in this issue of the **Federal Register**. We consider only applications that meet this priority. Applicants must identify the topic area or areas under which they are applying under the priority, as part of the competition title on the application cover sheet (SF form 424, line 13).

Absolute Priority: Innovative Rehabilitation Training on Emerging VR Counseling, Engagement, and Service

Delivery Strategies Leading to Quality Employment in 21st Century Careers for Individuals With Disabilities.

Projects that propose a new innovative rehabilitation training program for rehabilitation personnel on emerging VR counseling, engagement, and service delivery best practices or strategies in any of five topic areas that provides a 21st century understanding of the evolving labor force and the needs of individuals with disabilities, resulting in more effective delivery of rehabilitation services to individuals with disabilities. The five topic areas under this priority are: (1) VR Counselor Participant Engagement Practices, (2) Career Assessment Addressing Emerging Career and Employment Trends, (3) Preparing VR Participants for High-Quality Employment in Science, Technology, Engineering, and Math (STEM) and Advanced Technology Careers, including Artificial Intelligence (AI), (4) Dual Customer Employer Engagement and Service Delivery Strategies, and (5) Field Initiated.

(1) VR Counselor Participant Engagement Practices. Proposed projects under this topic area must focus on improving VR counselors' knowledge and skills to effectively engage with VR participants through the VR continuum from referral and application to the provision of VR services under a signed IPE, and through the achievement of an employment outcome. This may include, for example, VR counseling relationship-building skills training; early and ongoing engagement strategies, including pre-employment transition services; benefits counseling, financial planning, and VR participant self-advocacy skills training; and the development of internal and external partnerships with cross-disciplinary VR agency specialists, employers, workforce development partners, Client Assistance Programs, and community-based organizations, including community rehabilitation programs (CRPs) and Centers for Independent Living (CILs).

(2) Career Assessment Addressing Emerging Career and Employment Trends. Proposed projects under this topic area must focus on strengthening the capacity of career assessment and vocational rehabilitation professionals to identify and support VR participants' informed choice and optimal career and employment goals, postsecondary education and training, credentialing and measurable skills attainment pathways, and comprehensive support needs including assistive technology, consistent with participants' unique strengths, abilities, capabilities, and interests. This may include, for example, providing vocational evaluation and comprehensive assessments; facilitating AI-enabled individual supports and accommodations;, conducting local and national labor market analyses; tracking emerging 21st century career trends in STEM and advanced technologies; exploring work options such as business ownership, self-employment, and telework; and identifying the most appropriate training and employment options including apprenticeships, customized employment, and career pathways. Projects under this priority may propose various approaches to strengthening the capacity of professionals through career assessment and vocational evaluation programs, courses, modules, practicums, and internships.

(3) Preparing VR Participants for High-quality Employment in STEM and Advanced Technology Careers, including AI. Proposed projects under this topic area must focus on maximizing the number of VR participants provided the opportunity to explore, consider, and pursue high quality careers in STEM and advanced technology careers, including AI, and other emerging high-quality fields. This may include, for example, early and meaningful exposure to such careers through quality pre-employment transition services; peer mentorship by persons with disabilities in such careers; identification of VR participants whose unique strengths, abilities, interests, and informed choice align with such careers; and partnerships with State and local educational agencies, Institutions of Higher Education (IHE), career and technical education programs, disability organizations, CRPs, and others to provide the appropriate training, education, and support services.

(4) Dual Customer Employer Engagement and Service Delivery Strategies. Proposed projects under this topic area must focus on helping VR agency personnel to engage effectively with employers through the provision of the services and training outlined in 34 CFR 361.32, meeting employers' needs for skilled workers while creating quality employment and training opportunities for VR participants. This may include, for example, strategies for identifying promising dual customer employer engagement opportunities; providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act and other employment-related laws; supporting VR agency capacity-building to provide quality dual customer services and training to employers; conducting outreach to employers, community-based organizations, and business associations highlighting VR agency capabilities and documented successes; and delivering dual customer services and training through the coordinated efforts of cross-disciplinary VR personnel, employers, and workforce development system partners.

(5) Field Initiated. Proposed projects under this topic area must address an area not specified in this priority, consistent with the stated purpose of the priority, or a combination of two or more topic areas specified in this priority.

Note: The numbering of the topic areas does not reflect an established hierarchy or preference among the topic areas.

Project Requirements: For FY 2025, and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must meet the following project requirements from the NFP:

To meet the requirements of this priority, grantees must, at a minimum, conduct the following activities through innovative approaches:

(a) Establish the empirical basis of the proposed project objectives and activities. The applicant must identify the particular focus it intends to address within the selected topic area; the key knowledge and practice determinants of VR service effectiveness and employment outcome quality; and the empirical sources and rationale for the identified knowledge and practices, including available research, literature reviews, and relevant projects conducted by RSA or other Federal or non-government entities.

(b) Establish a process, including clear and actionable steps as well as specific timelines, to continue assessing innovative practices and training methods for possible incorporation, especially during the initial year of the grant, including stakeholder surveys to identify promising practices that the State VR agencies may already be implementing.

(c) Design an innovative, multifaceted training plan to convey the identified knowledge and practices. The training plan must specify the intended participants; proposed curricula, activities, and products including training modules, communities of practice, research studies, published articles, or videos; instructional and communication technologies, including AI-based methods and tools, if

applicable; and knowledge translation methods adapted to diverse learning styles or ethnic and linguistic backgrounds. The training plan must address a broad range of VR professionals—decision-makers, counselors, cross-disciplinary specialists—and pertinent partners and stakeholders, as appropriate.

(d) Establish an advisory panel of one or more VR agencies and other pertinent stakeholders to help develop, implement, and evaluate the project. The applicant must describe the panel membership, structure, and responsibilities. Panel member responsibilities may include identifying key knowledge requirements, best practices, and innovative approaches for the training curricula and methods; coordinating with other interested parties to disseminate curricula, recruit training participants, engaging additional VR agencies and stakeholders; and participating in the project's continuous feedback, evaluation, and improvement processes.

(e) Prioritize key stakeholder engagement, partnerships, and information-sharing in the innovative training activities, including with IHEs, and relevant professional associations. The applicant must identify the stakeholders to be involved within each of the project's particular focus areas; the purpose and expected benefits of stakeholder involvement; anticipated communities of practices to facilitate stakeholder involvement; and the innovative or advanced convening or communication technologies to be used, as applicable.

(f) Establish continuous feedback, evaluation, and improvement processes, including action steps and clear timelines, to ensure that the training curricula and resources are responsive to the needs of the current and aspiring VR professionals and stakeholders; meet the project scope and objectives; and reflect evolving research, promising practices, and innovative training methods during the life of the grant.

(g) Disseminate, replicate, and sustain the innovative training curricula and resources. The applicant must post completed training curricula and related resources on National Clearinghouse of Rehabilitation Training Materials (NCRTM) and other appropriate venues on an ongoing basis; facilitate replication of training curricula by interested VR agencies, IHEs, or other interested parties; sustain and maintain the training curriculum beyond the life of the grant; and present innovative training curricula, resources, outcomes, and lessons learned in at least one national forum during the final year of the grant.

Selection Criteria: The following selection criteria are from 34 CFR 387.30 and 34 CFR 75.210. In responding to the selection criteria, applications should show how their proposed project meets the absolute priority, selected topic area(s), and project requirements outlined in this NIA.

(a) *Relevance to State-Federal rehabilitation service program.* (10 points)

(1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal rehabilitation service program.

(2) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to public and private agencies involved in the rehabilitation of individuals with disabilities; or

(ii) To maintain and improve the skills and quality of rehabilitation personnel.

(b) *Significance.* (5 points)

(1) In determining the significance of the proposed project, the Secretary considers the extent to which the resources, tools, and implementation lessons of the proposed project will be disseminated in ways to the target population and local community that will enable them and others (including practitioners, researchers, education leaders, and partners) to implement similar strategies.

(c) *Quality of the project design.* (35 points)

(1) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified, measurable, and ambitious yet achievable within the project period, and aligned with the purposes of the grant program.

(ii) The extent to which the design of the proposed project demonstrates meaningful community engagement and input to ensure that the project is appropriate to successfully address the needs of the target population or other identified needs and will be used to inform continuous improvement strategies.

(iii) The extent to which the proposed project introduces an innovative approach, such as a modification of an evidence-based project component to serve different populations, an extension of an existing evidence-based project component, a unique composition of various project components to explore combined effects, or development of an emerging project component that needs further testing.

(iv) The likelihood that the services to be provided by the proposed project will lead to meaningful improvements in the skills and competencies necessary to gain employment in high-quality jobs, careers, and industries or build capacity for independent living.

(v) The extent to which the services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(vi) The curriculum and teaching methods provide for an integration of theory and practice relevant to the educational objectives of the program.

(vii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to build recipient and project capacity in ways that lead to improvements in practice among the recipients of those services.

(d) *Adequacy of resources.* (15 points)

(1) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the costs are reasonable in relation to the number of persons to be served, the depth and intensity of services, and the anticipated results and benefits.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The potential for the purposes, activities, or benefits of the proposed project to be institutionalized into the ongoing practices and programs of the applicant, agency, or organization and continue after Federal funding ends.

(e) *Quality of the management plan.* (20 points)

(1) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The feasibility of the management plan to achieve project objectives and goals on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and

adequate to meet the objectives of the proposed project.

(iii) The extent to which the project director or principal investigator, when hired, has the qualifications required for the project, including formal training or work experience in fields related to the objectives of the project and experience in designing, managing, or implementing similar projects for the target population to be served by the project.

(iv) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(f) *Quality of the project evaluation or other evidence-building.* (15 points)

(1) In determining the quality of the evaluation or other evidence-building, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation or other evidence-building are thorough, feasible, relevant, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation or other evidence-building will provide guidance for quality assurance and continuous improvement.

(iii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing and potential implementation in other settings.

Performance Measures: Pursuant to 34 CFR 75.110, the Secretary has established the following Program and Project performance measures which applicants must address in their applications.

Program measures:

(1) The quality of the training, as determined by a panel of VR agencies.

(2) Relevance of the training, as determined by a panel of VR agencies.

(3) Usefulness of the training, as determined by a panel of VR agencies.

Note: Applicants must describe their criteria and indicators for quality, relevance, and usefulness as well as the VR panel composition and process.

(4) The number of individuals enrolled or participating in the Innovative Rehabilitation Training program, by cohort.

(5) The number and percentage of individuals who successfully completed the Innovative Rehabilitation Training program, by cohort.

Project measures:

At least one proposed measure established by the applicant to demonstrate the project's impact on training participants, VR participants, or the field, reflecting the project's particular nature and scope.

Note: Task or process-related goals are not considered Project measures.

For each Program and Project measure, applications must include the baselines and the targets to be achieved by the end of period of performance and at each annual reporting period, as well as the corresponding data-collection, evaluation, and reporting plans. Applications must also show that the performance targets are ambitious yet achievable within the period of performance.

Program Authority: 29 U.S.C. 772.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Guidance for Federal Financial Assistance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 385 and 387. (e) The NFP published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Cost Sharing or Matching: A grantee must contribute to the cost of a project under this program in an amount satisfactory to the Secretary. The part of the costs to be borne by the grantee is determined by the Secretary at the time of the grant award. For the purposes of this competition, the grantee is required to contribute at least 10 percent of the total cost of the project under this program. Furthermore, given the importance of cost sharing funds to the long-term success of the project, eligible entities must identify appropriate non-Federal funds in the proposed budget.

Indirect Cost Rate Information: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

Subgrantees: Under 34 CFR 75.708(b) and (c) a grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs (89 FR 104528, December 23, 2024).

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Innovative Rehabilitation Training competition, your application may include business information that you consider proprietary. We define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information.

3. *Intergovernmental Review:* This competition is subject to intergovernmental review under Executive Order 12372. Information about this process is in the application package.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 45 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code; (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual; (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

7. *Risk Assessment and Specific Conditions:* Before awarding grants under this competition the Department conducts a review of the risks posed by applicants. The Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

8. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the System for Award Management's (SAM) Responsibility/Qualification reports (formerly referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)). You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in the Responsibility/Qualification reports in SAM.

If the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to SAM semiannually. Please review these requirements if this grant plus all the other Federal funds you receive exceed $10,000,000.

Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements should you receive funding under the competition. This does not apply if you have an exception.

(b) At the end of your project's period of performance, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit semiannual and annual performance reports that provide the most current performance and financial expenditure information as directed by the Secretary. The Secretary may also require more frequent performance reports. For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Continuation Awards:* In making a continuation award, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application; and whether the continuation of the project is in the best interest of the Federal Government.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department.

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

Diana Diaz,

Deputy Assistant Secretary and Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2025–11805 Filed 6–25–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 137–227]

Pacific Gas & Electric Company; Notice of Application for Non-Capacity License Amendment Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* 137–227.

c. *Date Filed:* October 21, 2024, and supplemented on June 2, 2025.

d. *Applicant:* Pacific Gas & Electric Company.

e. *Name of Project:* Mokelumne River Hydroelectric Project.

f. *Location:* The project is located on the Bear River, Mokelumne River, Mokelumne River (North Fork) in Alpine, Amador, and Calaveras counties, California. The project occupies federal lands managed by the Bureau of Land Management and the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Janet Walther, 12840 Bill Clark Way, Auburn, CA 95602, *Janet.Walther@pge.com,* and 530–966–4615.

i. *FERC Contact:* Elizabeth Moats, (202) 502–6632, *Elizabeth.OsierMoats@ferc.gov.*

j. *Cooperating agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* July 23, 2025.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–137–227. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* To mitigate a seepage along the downstream embankment of Lower Blue Lake Dam, the licensee proposes to install a filter and buttress. To mitigate potential effects of an earthquake, the licensee proposes to increase the height of the dam by 2 feet. To construct the proposed measures, the licensee would lower the reservoir by 23.7 feet or more for up to 5 months. The licensee does not propose any changes to the operating elevation of the reservoir. The licensee also proposes to repair a monitoring weir downstream of the dam and incorporate the weir into the project boundary. The proposed construction would occur between June and October 2026.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

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

Dated: June 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11834 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15041–002]

One Drop Hydro, LLC; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests and Establishing Procedural Schedule for Licensing

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Minor License.

b. *Project No.:* 15041–002.

c. *Date filed:* June 10, 2025.

d. *Applicant:* One Drop Hydro, LLC (One Drop Hydro).

e. *Name of Project:* Elizabeth Webbing Falls Hydroelectric Project (project).

f. *Location:* On the Blackstone River in Providence County, Rhode Island.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Justin Bristol, One Drop Hydro, LLC, 7 Nichols Ln, Hopkinton, RI 02832; Phone at (401) 793–6041; or email at *jbristol@onedrophydro.com.*

i. *FERC Contact:* Brandi Welch-Acosta at (202) 502–8964 or at *brandi.welch-acosta@ferc.gov;* and Robert Haltner at (202) 502–8612 or at *robert.haltner@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* On or before 5:00 p.m. Eastern Time on August 11, 2025.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Elizabeth Webbing Falls Hydroelectric Project (P–15041–002).

m. The application is not ready for environmental analysis at this time.

n. The proposed Elizabeth Webbing Falls Hydroelectric Project would consist of: (1) an existing 220-foot-long, V-shaped stone masonry gravity dam that includes a 210-foot-long spillway with a crest elevation of 34.9 feet National Geodetic Vertical Datum of 1929 (NGVD 29); (2) an existing impoundment with a surface area of approximately 14 acres at an elevation of 34.9 feet NGVD 29; (3) new steel trash racks with ¾-inch clear bar spacing; (4) an existing hydraulically operated headgate; (5) an existing concrete powerhouse approximately 25 feet wide by 70 feet long by 25 feet tall; (6) an existing horizontal semi-Kaplan turbine and draft tube with a speed increaser and a 0.7 megawatt generator; (7) six existing 4.16 kilovolt generator leads connecting the generating unit to the transformer on the roof of the powerhouse, which steps-up the voltage to 13.8 kilovolt; (8) a new 400-foot long transmission line to the utility point of interconnect located in Rhode Island Energy's distribution system; and (10) existing appurtenant facilities.

In addition to the existing facilities and new transmission line listed above, One Drop Hydro proposes to: (1) operate the project in a run-of-river mode with an estimated annual energy generation of approximately 3,400 megawatt-hours; (2) release a continuous minimum flow of 250 cubic feet per second or inflow, whichever is less, to the bypassed reach; (3) install a volitional eel passage ramp at the project spillway; (4) install downstream fish passage facilities when necessary; (5) provide upstream anadromous fish passage, when necessary; and (6) implement a northern long-eared bat protection plan.

o. Copies of the application may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document (P–15041). For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call tollfree, (866) 208–3676 or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

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.*

p. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter (if necessary).	August 2025.
Request Additional Information	August 2025.

Milestone	Target date
Issue Scoping Document 1 for comments.	October 2025.
Issue Acceptance Letter	November 2025.
Request Additional Information (if necessary).	November 2025.
Issue Scoping Document 2	January 2026.
Issue Notice of Ready for Environmental Analysis.	January 2026.

Dated: June 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11829 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25–961–000.

Applicants: ANR Pipeline Company.

Description: 4(d) Rate Filing: ANR—Negotiated Rate Agmts, Eff 7.1.25 to be effective 7/1/2025.

Filed Date: 6/23/25.

Accession Number: 20250623–5131.

Comment Date: 5 p.m. ET 7/7/25.

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

Filings in Existing Proceedings

Docket Numbers: PR25–50–001.

Applicants: Centana Intrastate Pipeline, LLC.

Description: Amendment Filing: 2025 Amendment to be effective 5/1/2025.

Filed Date: 6/23/25.

Accession Number: 20250623–5179.

Comment Date: 5 p.m. ET 7/14/25.

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

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

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

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Dated: June 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11772 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD24–7–000]

Federal and State Current Issues Collaborative; Notice Announcing Meeting

On March 21, 2024, the Commission established a Federal and State Current Issues Collaborative (Collaborative) to explore cross-jurisdictional issues relevant to FERC and state utility commissions.[1]

The third public meeting of the Collaborative will be held on July 27, 2025, from approximately 9:30 a.m.–12:00 p.m. EDT, at the Omni Boston Hotel at the Seaport in Boston, Massachusetts. The meeting will be open to the public for listening and observing and on the record. There is no fee for attendance and registration is not required. The public may also attend via Webcast. This meeting will be transcribed. Transcripts will be available for a fee from Ace Reporting, 202–347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

The overarching topic the Collaborative will discuss is the States' Role in Regional Transmission Organization (RTO) Governance, including on resource adequacy issues. As explained in the Establishing Order, the Commission will issue agendas for each meeting, after consulting with members of the Collaborative and considering suggestions from state commissions.[2] The Commission will issue the specific agenda for the third public meeting no later than July 11, 2025.

More information about the Collaborative is available here: *https://www.ferc.gov/federal-state-current-issues-collaborative.* For questions related to the Collaborative, please contact: Robert Thormeyer, 202–502–8694, *robert.thormeyer@ferc.gov,* CeCe Coffey, 202–502–8040, *cecelia.coffey@ferc.gov,* or Kimberly Duffley, 202–898–1305, *kduffley@naruc.org.*

Dated: June 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11828 Filed 6–25–25; 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: EC25–106–000.

Applicants: Ohio Power Partners, LLC, AL MTWN LP Holdings, LLC, AL MTWN GP Holdings, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Ohio Power Partners, LLC, et al.

Filed Date: 6/17/25.

Accession Number: 20250617–5298.

Comment Date: 5 pm ET 7/8/25.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL25–68–000; ER10–2564–014; ER10–2600–014; ER10–2289–014.

Applicants: UniSource Energy Development Company, UNS Electric, Inc., Tucson Electric Power Company, Tucson Electric Power Company.

Description: Tucson Electric Power Company, et al. submit response to 04/21/2025 Show Cause Order.

Filed Date: 6/18/25.

[1] *Fed. and State Current Issues Collaborative,* 186 FERC ¶ 61,189 (2024) (Establishing Order).

[2] *Id.* P 7.

Accession Number: 20250618–5265.
Comment Date: 5 pm ET 7/9/25.

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

Docket Numbers: ER25–2232–001.
Applicants: Illinois Generation LLC.
Description: Tariff Amendment: Amended Shared Facilities Agreement to be effective 5/16/2025.
Filed Date: 6/20/25.
Accession Number: 20250620–5401.
Comment Date: 5 pm ET 7/11/25.

Docket Numbers: ER25–2562–000.
Applicants: Sycamore Creek Solar, LLC.
Description: Initial Rate Filing: Market-Based Rate Application to be effective 8/20/2025.
Filed Date: 6/20/25.
Accession Number: 20250620–5414.
Comment Date: 5 pm ET 7/11/25.

Docket Numbers: ER25–2563–000.
Applicants: Apple River Solar, LLC.
Description: Initial Rate Filing: Market-Based Rate Application to be effective 8/20/2025.
Filed Date: 6/20/25.
Accession Number: 20250620–5417.
Comment Date: 5 pm ET 7/11/25.

Docket Numbers: ER25–2564–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Ministerial Clean-up Filing of Tariff, Definitions G–H to be effective 11/1/2017.
Filed Date: 6/20/25.
Accession Number: 20250620–5418.
Comment Date: 5 pm ET 7/11/25.

Docket Numbers: ER25–2565–000.
Applicants: Jackson County Solar, LLC.
Description: Initial Rate Filing: Market-Based Rate Application to be effective 8/20/2025.
Filed Date: 6/20/25.
Accession Number: 20250620–5423.
Comment Date: 5 pm ET 7/11/25.

Docket Numbers: ER25–2566–000.
Applicants: Versant Power.
Description: Compliance filing: Order No. 676–K Compliance Filing and Request for Waivers to be effective 2/27/2026.
Filed Date: 6/23/25.
Accession Number: 20250623–5111.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2567–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 607R49 Evergy Kansas Central, Inc. NITSA NOA to be effective 6/1/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5122.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2568–000.
Applicants: PJM Interconnection, L.L.C.
Description: 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6119; Queue Position No. AE2–285 to be effective 8/23/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5137.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2569–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 1885R16 Evergy Kansas Central, Inc. NITSA NOA to be effective 9/1/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5152.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2570–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 1887R16 Evergy Kansas Central, Inc.—Elsmore NITSA NOA to be effective 9/1/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5164.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2571–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SR Stockton I LGIA Filing to be effective 6/6/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5196.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2572–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SR Stockton II LGIA Filing to be effective 6/6/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5199.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2573–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Stellar (Demopolis Solar) LGIA Filing to be effective 6/6/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5202.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2574–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Turkey Creek Solar Park LGIA Filing to be effective 6/6/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5204.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2575–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Wadley Solar Farm LGIA Filing to be effective 6/9/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5207.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2576–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: Origis Development (Loblolly Solar) LGIA Filing to be effective 6/9/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5211.
Comment Date: 5 pm ET 7/14/25.

Docket Numbers: ER25–2577–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SR Salem LGIA Filing to be effective 6/9/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5212.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2578–000.
Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.
Description: 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii: SR Hope Hull LGIA Amendment Filing to be effective 6/6/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5215.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2579–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 2562R16 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5236.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2580–000.
Applicants: Blackford Solar Energy, LLC.

Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5238.
Comment Date: 5 p.m. ET 7/14/25.
Docket Numbers: ER25–2581–000.
Applicants: Blackford Wind Energy, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5240.
Comment Date: 5 p.m. ET 7/14/25.
Docket Numbers: ER25–2582–000.
Applicants: Elisabeth Solar, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5252.
Comment Date: 5 p.m. ET 7/14/25.
Docket Numbers: ER25–2583–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–06–23_SA 4500 Ameren Illinois-CG Pike Creek GIA (J1831) to be effective 8/23/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5253.
Comment Date: 5 p.m. ET 7/14/25.
Docket Numbers: ER25–2584–000.
Applicants: Hoosier Line Energy, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5258.
Comment Date: 5 p.m. ET 7/14/25.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

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

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

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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 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11770 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–455–003]

Equitrans, L.P.; Notice of Request for Extension of Time

Take notice that on June 20, 2025, Equitrans, L.P. (Equitrans) requested that the Commission grant an extension of time, until December 31, 2025, to complete its Well 3660 Plug and Abandonment Project (Project) located in Greene County, Pennsylvania, as authorized in the Order Denying Protests and Authorizing Abandonment (Order).[1] The Order authorized Equitrans to proceed with the Project under its Part 157 blanket certificate. By Rule, the Project should have been completed within one year of the Order date, or by October 23, 2024. The Commission has subsequently granted two extensions of time, making the current date for the Project to be completed July 31, 2025.[2]

Equitrans asserts that, prior to completing the abandonment, it is required to obtain approval from the Court of Common Pleas of Greene County, Pennsylvania so that Peoples Natural Gas Company, LLC and the Plaintiff in the litigation may be present to record the plugging and have their experts perform testing. Equitrans states that the judge assigned to this matter recused himself from the case and the newly assigned judge has not yet scheduled hearings to conclude this matter. Thus, Equitrans requests an extension of time until December 31, 2025 to complete the plugging and abandonment of Well 3660.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Equitrans' request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,[3] the Commission will aim to issue an order acting on the request within 45 days.[4] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[5] The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).[6] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[7] The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this

[1] *Equitrans, L.P.,* 185 FERC ¶ 61,040 (2023).

[2] *Equitrans, L.P.,* Docket No. CP21–455–001 (delegated letter order issued October 22, 2024); *Equitrans, L.P.,* Docket No. CP21–455–002 (delegated letter order issued February 18, 2025).

[3] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

[4] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

[5] *Id.* at P 40.

[6] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[7] *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 40 (2020).

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.*

The Commission strongly encourages electronic filings of comments in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

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'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.*

Comment Date: 5:00 p.m. Eastern Time on July 8, 2025.

Dated: June 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11830 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4113–067]

Oswego Hydro Partners, LP; Notice of Reasonable Period of Time for Water Quality Certification Application

On June 10, 2025, the New York State Department of Environmental Conservation (New York DEC) submitted to the Federal Energy Regulatory Commission (Commission) notice that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from Oswego Hydro Partners, LP, in conjunction with the above captioned project on June 6, 2025. Pursuant to the Commission's regulations,[1] we hereby notify New York DEC of the following.

Date of Receipt of the Certification Request: June 6, 2025

Reasonable Period of Time to Act on the Certification Request: One year, June 6, 2026.

If New York DEC fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: June 23, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–11833 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: ER10–2854–004.
Applicants: ConocoPhillips Company.
Description: Supplement to 10/22/2024 Notice of Change in Status of ConocoPhillips Company.
Filed Date: 6/13/25.
Accession Number: 20250613–5212.
Comment Date: 5 p.m. ET 7/7/25.

Docket Numbers: ER16–2044–004.
Applicants: Elk Hills Power, LLC.
Description: Supplement to 10/30/2024, Notice of Non-Material Change in Status of Elk Hills Power, LLC.
Filed Date: 6/20/25.
Accession Number: 20250620–5472.
Comment Date: 5 p.m. ET 7/11/25.

Docket Numbers: ER22–1482–002; ER23–1241–003; ER23–1517–002.
Applicants: IP Oberon II, LLC, IP Oberon, LLC, Blythe Mesa Solar II, LLC.
Description: Triennial Market Power Analysis for Southwest Region of Blythe Mesa Solar II, LLC, et al.
Filed Date: 6/20/25.
Accession Number: 20250620–5474.
Comment Date: 5 p.m. ET 7/11/25.

Docket Numbers: ER25–1794–001.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: WDT: Order 898 Formula Rate Response to Deficiency Letter to be effective 1/1/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5001.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–1837–000.
Applicants: OSCII Gun Hill LLC.
Description: Response to 05/23/2025, Deficiency Letter of OSCII Gun Hill LLC.
Filed Date: 6/20/25.
Accession Number: 20250620–5475.
Comment Date: 5 p.m. ET 7/11/25.

Docket Numbers: ER25–2585–000.
Applicants: Ridgely Energy Farm, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5267.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2586–000.
Applicants: Sierra Pinta Energy Storage, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/24/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5281.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2587–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2025–06–23_SA 4499 Ameren Missouri-McCredie Overton MPFCA to be effective 8/23/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5300.
Comment Date: 5 p.m. ET 7/14/25.

Docket Numbers: ER25–2588–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC.
Description: 205(d) Rate Filing: MAIT submits Amended IA, SA No. 4578 to be effective 8/25/2025.
Filed Date: 6/23/25.
Accession Number: 20250623–5305.
Comment Date: 5 p.m. ET 7/14/25.

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

[1] 18 CFR 4.34(b)(5)(iii).

Docket Numbers: ES25–51–000.

Applicants: Southwest Power Pool, Inc.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Southwest Power Pool, Inc.

Filed Date: 6/20/25.

Accession Number: 20250620–5471.

Comment Date: 5 p.m. ET 7/11/25.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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 23, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–11771 Filed 6–25–25; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12790–01–R2]

Public Water System Supervision Program Revision for New York; Notice of Approval and Opportunity for Public Comment and Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Public notice is hereby given that the state of New York has revised its approved Public Water System Supervision Program. New York has adopted drinking water regulations for the Stage 2 Disinfection Byproducts Rule. The EPA has determined that New York's revised regulations meet all minimum federal requirements, and that they are no less stringent than the corresponding federal regulations. Therefore, the EPA has decided to tentatively approve the State program revisions. All interested parties may request a public hearing or submit comments.

DATES: Comments or request for public hearing must be received on or before July 28, 2025.

ADDRESSES: Comments or a request for a public hearing must be submitted to the Regional Administrator, U.S. Environmental Protection Agency, Region 2, 290 Broadway, FL 24, New York, NY 10007. All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, at the following offices: U.S. Environmental Protection Agency, Region 2, Water Division, 290 Broadway, FL 24, New York, NY 10007–1823; and New York State Department of Health, Bureau of Water Supply Protection, Empire State Plaza-Corning Tower, Room 1110, Albany, New York 12237.

FOR FURTHER INFORMATION CONTACT: Dorina Aliu, Water Division, Drinking Water and Groundwater Protection Section, Environmental Protection Agency, Region 2, 290 Broadway, FL 24, New York, NY 10007–1823; telephone number: (929) 930–0689; email address: *aliu.dorina@epa.gov.*

SUPPLEMENTARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a hearing. All comments will be considered, and if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing will be denied by the Regional Administrator. If a substantial request for a public hearing is made by July 28, 2025, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Michael R. Martucci,

Regional Administrator, Region 2.

[FR Doc. 2025–11820 Filed 6–25–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0104; FRL–12850–01–OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Refractory Products Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Refractory Products Manufacturing (EPA ICR Number 2040.11, OMB Control Number 2060–0515) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2025. Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 28, 2025.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0104, to EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division, Office of Air Quality Planning and Standard, D243–05, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on August 6, 2024 during a 60-day comment period (89 FR 63933). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR part 63, subpart SSSSS were proposed on June 20, 2002, promulgated on April 16, 2003, and most recently amended on November 19, 2021 (86 FR 66045). These regulations apply to each refractory products manufacturing facility which produces refractory bricks, refractory shapes, monolithics, kiln furniture, crucibles, and other materials used as linings for boilers, kilns, and other processing units and equipment where extreme temperature, corrosions, and abrasion would destroy other materials. These regulations apply to existing facilities and new facilities that manufacture refractory products and use organic hazardous air pollutant (HAP), chromium refractory, and clay refractory products. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. Revisions to the NESHAP were finalized on November 19, 2021 as a result of the residual risk and technology review (RTR) required under the Clean Air Act (CAA). This information is being collected to assure compliance with 40 CFR part 63, subpart SSSSS.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Refractory products manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart SSSSS).

Estimated number of respondents: 3 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 341 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $134,000 (per year), which includes $87,000 annualized capital or operation & maintenance costs.

Changes in the estimates: There is an increase of 111 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to a correction of the estimated person-hours per occurrence and number of respondents per year for performance tests and reports. These estimates were updated in this ICR renewal based on information provided by industry through consultation as described in section 8 of the supporting statement. Additionally, corrections were made to remove burden and costs associated with notifications and reports of alternative fuel use. The rule does not allow alternative fuel use after November 19, 2021. The overall result is an increase in burden hours and costs. There is an increase in the capital/startup and operation and maintenance (O&M) costs as calculated in section 13 of the supporting statement compared with the costs in the previous ICR. The increase is due to cost increases from updating the CEPCI index to the 2023 index and corrections to the estimated costs for performance tests. The corrections are based on information provided by industry through consultation as described in section 8 of the supporting statement.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2025–11777 Filed 6–25–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R07–SFUND–2025–0293; FRL–12830–01–R7]

Notice of Proposed CERCLA *De Minimis* Contributor Administrative Settlement Agreement and Order on Consent

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), notice is hereby given by the U.S. Environmental Protection Agency (EPA), Region 7, of a proposed CERCLA *De Minimis* Contributor Administrative Settlement Agreement and Order on Consent, with Allied Plastics LLC, Cascade Asset Management LLC, OmniSource LLC, Schupan Recycling a/k/a Schupan & Sons Inc., and Universal Recycling Technologies LLC. This agreement pertains to the Recycletronics—Akron Farm Facility Superfund Site located at 16998 160 St., Akron, Iowa.

DATES: Comments must be received on or before July 28, 2025.

ADDRESSES: The proposed settlement agreement is available for public inspection at EPA Region 7's office. A copy of the proposed agreement may also be obtained from Catherine Chiccine, EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219, telephone number: (913) 551–7917. You may send comments, identified by Docket ID No. EPA–R07–SFUND–2025–0293 to *https://www.regulations.gov.* You may also send comments, identified by Recycletronics—Akron Farm Facility *De Minimis* Settlement Public Comment, to Ms. Chiccine at the above address or electronically to *chiccine.catherine@epa.gov.*

Instructions: All submissions received must include the Docket ID No. for this matter. Comments received will be posted without change to *https://*

www.regulations.gov/, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Catherine Chiccine, Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7917; email address: *chiccine.catherine@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA conducted a Fund-lead Time-Critical Removal Action at the Recycletronics—Akron Farm Facility Superfund Site (Site) located at 16998 160 St., Akron, Iowa between March 2022 and July 2022 to remove approximately 944 tons of lead-containing cathode ray tube glass from the Site. Lead is a hazardous substance as defined by CERCLA.

To recover some of its response costs, the EPA negotiated a proposed CERCLA section 122(g)(4) *De Minimis* Contributor Administrative Settlement Agreement and Order on Consent Agreement (settlement) with multiple potentially responsible parties that arranged for disposal of hazardous waste at the Site. The EPA will enter the proposed Agreement with Allied Plastics LLC, Cascade Asset Management LLC, OmniSource LLC, Schupan Recycling a/k/a Schupan & Sons Inc., and Universal Recycling Technologies LLC (collectively, the ''*de minimis* parties''). The *de minimis* parties agree to pay EPA for their portion of EPA's costs incurred in responding to the time-critical removal action at the Site.

The settlement includes a covenant by EPA not to sue or take administrative action against the *de minimis* parties, pursuant to sections 106 and 107(a) of CERCLA.

For thirty (30) days following the date of publication of this document, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement agreement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219.

James Macy,

Regional Administrator, EPA Region 7.

[FR Doc. 2025–11800 Filed 6–25–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS25–07]

Guidance on Referrals for Potential Criminal Enforcement

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: This notice describes the plans of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (''ASC'') to address criminally liable regulatory offenses under the recent executive order on Fighting Overcriminalization in Federal Regulations.

DATES: June 23, 2025.

FOR FURTHER INFORMATION CONTACT: Natalie Lutz, Attorney Advisor, 202–792–1217 or *natalie@asc.gov.*

SUPPLEMENTARY INFORMATION: On May 9, 2025, the President issued Executive Order (''E.O.'') 14294, Fighting Overcriminalization in Federal Regulations. 90 FR 20363 (published May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the **Federal Register** describing its plan to address criminally liable regulatory offenses.

Consistent with that requirement, the ASC advises the public that by May 9, 2026, the ASC, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget (''OMB'') a report containing: (1) a list of all criminal regulatory offenses [1] enforceable by the ASC or the Department of Justice (''DOJ''); and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard [2] for the criminal regulatory offense.

This notice also announces a general policy, subject to appropriate exceptions and to the extent consistent with law, that when the ASC is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of the ASC should consider, among other factors:

- The harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;
- The potential gain to the putative defendant that could result from the offense;
- Whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and
- Evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

This general policy 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.

Mathew Ponzar,

Acting Executive Director.

[FR Doc. 2025–11749 Filed 6–25–25; 8:45 am]

BILLING CODE 6700–01–P

[1] ''Criminal regulatory offense'' means a Federal regulation that is enforceable by a criminal penalty. E.O. 14294, sec. 3(b).

[2] ''Mens rea'' means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, sec. 3(c).

FEDERAL RESERVE SYSTEM

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

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

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

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying

information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 28, 2025.

A. Federal Reserve Bank of New York (Keith Goodwin, Head of Bank Applications) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Seneca Financial MHC, Baldwinsville, New York;* to convert from mutual to stock form. As part of the conversion, Seneca Financial MHC, and Seneca Financial Corp., also of Baldwinsville, New York, an existing mid-tier savings and loan holding company, will cease to exist and Seneca Savings, Baldwinsville, New York, will convert to a commercial bank, to be renamed Seneca Savings Bank, National Association, and become a wholly-owned subsidiary of Seneca Bancorp, Inc. a newly-formed Maryland corporation, which has applied to become a bank holding company, pursuant to Section 3(a)(1) of the BHC Act.

B. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *Miners and Merchants Bancorp, Inc., Grundy, Virginia;* to acquire First Community Corporation, and thereby indirectly acquire First Community Bank of East Tennessee, both of Rogersville, Tennessee.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–11819 Filed 6–25–25; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

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

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

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

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

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 11, 2025.

A. Federal Reserve Bank of Cleveland (Jenni M. Frazer, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org*:

1. *Arthur Everett Walker Jr., Arthur Everett Walker III, both of Mount Sterling, Kentucky; Bryce Hamilton Walker, Branden Walker Quinn, both of Lexington, Kentucky; Amy Walker Duzyk, Darren Joseph Duzyk, both of Kiawah Island, South Carolina; Edward Daniel Duzyk, Dennis Paul Duzyk, and the David M. Duzyk 2012 Family Trust U/A, Elizabeth M Duzyk, as trustee, all of Lexington, Kentucky*; to join the Walker-Duzyk Family Control Group, a group acting in concert, to retain voting shares of Traditional Bancorporation Inc., and thereby indirectly retain voting shares of Traditional Bank Inc., both of Mount Sterling, Kentucky.

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org*:

1. *The Leslie O. Wilt Revocable Living Trust Indenture dated the 29th day of May, 2014, Leslie Wilt, as trustee, the Kelly D. Wilt Revocable Living Trust Indenture dated the 29th day of May, 2014, Kelly Wilt, as trustee, and Craig Wilt, all of Shelbina, Missouri, and William McGee and Kelsey McGee, both of Madison, Missouri*; to join the O'Laughlin Family Control Group, a group acting in concert, to retain voting shares of Community State Bancshares, Inc., and thereby indirectly retain voting shares of Community State Bank, both of Shelbina, Missouri.

2. *The Frank & Dianna Montoya Trust dated December 13, 1996, Frank Montoya and Dianna Montoya as trustees, all of Albuquerque, New Mexico; the Amy R. Thomas Living Trust dated April 19, 2007, Amy Thomas and Mark Thomas as trustees, all of Macon, Missouri; and Brooke Foster, Macon, Missouri*; to join the Ramsey Family Control Group, a group acting in concert, to retain voting shares of Community State Bancshares, Inc., and thereby indirectly retain voting shares of Community State Bank, both of Shelbina, Missouri.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–11818 Filed 6–25–25; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

[File No. 251 0049]

Omnicom Group Inc. ("Omnicom") and The Interpublic Group of Companies, Inc. ("IPG"); Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

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

DATES: Comments must be received on or before July 28, 2025.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write: ''Omnicom/IPG;

File No. 251 0049'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment by overnight service to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex F), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Kelse Moen (202–326–3373), Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule § 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis of Agreement Containing Consent Order to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC website at this web address: *https://www.ftc.gov/news-events/commission-actions*.

The public is invited to submit comments on this document. For the Commission to consider your comment, we must receive it on or before July 28, 2025. Write ''Omnicom/IPG; File No. 251 0049'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Because of the agency's heightened security screening, postal mail addressed to the Commission will be delayed. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. If you prefer to file your comment on paper, write ''Omnicom/IPG; File No. 251 0049'' on your comment and on the envelope, and mail your comment by overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex F), Washington, DC 20580.

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

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

Visit the FTC website at *https://www.ftc.gov* to read this document and the news release describing this matter. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before July 28, 2025. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy*.

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Omnicom Group, Inc. (''Omnicom'') designed to remedy the anticompetitive effects resulting from Omnicom's proposed acquisition of The Interpublic Group of Companies (''IPG''). Under the terms of the proposed Consent Agreement, Omnicom is prohibited from entering or attempting to enter into any agreement with any third party that hinders advertising based on political or ideological viewpoints and to cooperate with any FTC investigation or litigation relating to media buying services.

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will review the comments received and decide whether it should withdraw, modify, or make the Consent Agreement final.

Under the terms of the Agreement and Plan of Merger dated December 8, 2024, Omnicom will acquire IPG in exchange for $13.5 billion (the ''Acquisition''). The Commission's Complaint alleges the proposed Acquisition, if consummated, would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition or tending to create a monopoly in the relevant market for media buying services. The proposed Consent Agreement will remedy the alleged violations by preserving the competition that otherwise would be lost in these markets as a result of the proposed Acquisition and eliminates Omnicom's ability to participate in any ongoing or future coordination in the market based on political or ideological viewpoints.

II. The Parties

Headquartered in New York, New York, Omnicom is the parent company of Omnicom Media Group and a network of creative advertising agencies, including BBDO, DDB, TBWA, and the DAS Group of Companies. Omnicom offers additional services, such as public relations, through other subsidiaries.

IPG is a global advertising agency headquartered in New York, New York. IPG is the parent company of IPG Mediabrands and several creative

advertising agencies, most notably McCann Worldgroup and MullenLowe. IPG offers additional services, such as public relations, sports marketing, and talent representation, through other subsidiaries.

III. Relevant Product and Market Structure

Advertising agencies, such as Omnicom and IPG, provide a variety of marketing services to advertising entities. As part of these services, advertising agencies negotiate media purchases of advertising inventory across many types of media and make purchases on behalf of, or for later resale to, customers or potential customers (advertisers). There are currently six major global advertising holding companies (''holdcos''): Publicis, WPP, Omnicom, IPG, Dentsu, and Havas. Advertising holdcos are conglomerates of acquired independent agencies.

Advertising agencies' two primary services are creative advertising (*e.g.,* slogans, branding, visual designs, commercial) and media buying (*e.g.,* negotiating with television networks to place advertisements at primetime or buying search ads on Google). Media buying agencies, such as Omnicom's Hearts & Science, represent advertisers in negotiations with media publishers, such as television broadcasters, print, radio, and digital advertisers. The media buying agency negotiates pricing, ad placement, sponsorships, exclusives, and other terms and conditions on behalf of the advertiser. With its advertiser client's input, the media buying agency will also typically prepare a media buying plan to determine where the advertiser will seek to place advertisements

The market for media buying services in the United States is concentrated due to the historical significance of agency scale in media buying negotiations. Because advertisers tend to view a certain threshold scale as necessary to achieve favorable results in negotiations with media publishers, advertisers seek larger media buying agencies to represent them during media buying negotiations. For global advertisers seeking to reach customers in the United States, the six holdcos possess the scale these advertisers seek to aid their negotiations with media publishers, especially non-digital publishers. Each advertiser typically contracts with a single holdco to handle its media buying needs in the United States.

IV. Competitive Effects of the Acquisition

This market is characterized by a history of coordination. Major advertisers have discussed and ultimately declined to advertise on certain websites and applications. These decisions appear to have been coordinated through one or more associations of advertising industry players, including ad agencies.

A coordinated refusal to deal among media buying services firms provides a direct economic benefit to those firms by ensuring they are not competitively disadvantaged when they decline the opportunity to reach potential audiences on boycotted platforms. These actions can have harmful downstream economic effects on media publishers that need access to advertising and associated revenue. They also harm media consumers, who are deprived of the viewpoints of publishers forced to scale back or eliminate their products due to lack of revenue. Coordination may further distort the advertising market by artificially restricting ad placement and raising the cost of advertising space that is not boycotted.

The proposed acquisition will cause the remaining competitors to face fewer impediments to furthering and refining the ongoing coordination of placement of advertisements, monitoring any coordinated refusal, and punishing one another for taking actions that disrupt their coordination. The potential for such coordination is increasingly difficult to address if market structure is allowed to consolidate through merger.

V. Entry Conditions

De novo entry in the relevant markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the proposed acquisition. Respondents and the other holdcos have dozens of offices across the globe, hundreds of advertiser clients, longstanding relationships with media publishers, and manage multi-billion-dollar portfolios of media spend that would be difficult for any competitor to replicate via entry or expansion.

VI. The Consent Agreement

The proposed Consent Agreement effectively remedies the competitive concerns raised by the Proposed Acquisition. Pursuant to the proposed Consent Agreement, the merged firm would be required to refrain from taking actions that would create or further coordination between Omnicom and any other media buyer. Specifically, Omnicom is barred from, unilaterally or in concert with other companies:

(1) directing, because of the political or ideological viewpoints of a Media Publisher or the content running alongside that publisher's advertising inventory, its customers' advertising spend towards or away from that Media Publisher;

(2) refusing, because of the political or ideological viewpoints or political content of a Media Publisher, an advertising customer's request to direct advertising to that Media Publisher;

(3) refusing, because of an Advertiser's political or ideological viewpoints, to accept that Advertiser as a customer;

(4) creating, proposing, or using ''exclusion lists,'' whatever the source, that differentiate between Media Publishers on the basis of political or ideological viewpoints to determine or direct advertisers advertising placements.

The proposed Consent Agreement provides that none of these prohibitions shall inhibit Omnicom from acting as an agent to carry out the independent wishes of each of its advertising customers. Advertising customers that have specific preferences about which Media Publishers their ads may be placed with may still express those preferences to Omnicom, and Omnicom may carry them out. If an Advertising customer, on its own initiative, wishes to design an exclusion list of its own, Omnicom may implement that exclusion list.

The proposed Consent Agreement also contains provisions to help ensure Omnicom complies with its obligations. It contains appropriate reporting, notice and access requirements, and obligates Omnicom to cooperate with the Commission in any investigation relating to the same industry or Omnicom's compliance with the proposed Consent Agreement.

The proposed Consent Agreement has a term of ten years.

The purpose of this analysis is to facilitate public comment on the Consent Agreement and proposed Consent Agreement to aid the Commission in determining whether it should make the proposed Consent Agreement final. This analysis is not an official interpretation of the proposed Consent Agreement and does not modify its terms in any way.

By direction of the Commission, Commissioner Meador recused.

April J. Tabor,

Secretary.

Statement of Chairman Andrew N. Ferguson

The Commission today authorizes the filing of an administrative complaint and proposed decision and order requiring Omnicom Group Inc. (''Omnicom'') and The Interpublic Group of Companies, Inc. (''IPG'') to refrain from practices that damage competition in the media-buying services market post-merger. Omnicom is the third-largest provider of media buying services by revenue, and IPG is the fourth-largest.[1] The merger would increase concentration in this market and risk competitive harm.[2] Without the commitments obtained by the Commission, I have reason to believe the effect of Omnicom's proposed acquisition of IPG ''may be substantially to lessen competition.'' [3]

Omnicom and IPG are two of the six major global advertising holding companies (''holdcos'').[4] These advertising holdcos are conglomerates of various advertising agencies acquired over time.[5] Advertising agencies play an essential role in linking advertisers with media publishers, including television networks, print publications, websites, and social media platforms.[6] Advertisers understandably do not necessarily possess the in-house expertise to determine where their advertisements should be placed. They therefore hire advertising agencies not only to make many of these decisions for them, but also to represent advertisers in negotiations with media publishers on key terms such as pricing, ad placement, sponsorships, and exclusives.[7] In serving this role, the advertising agencies hold great influence over where advertisers market their products and spend their advertising dollars. The advertising agencies' decisions then are critical to the success and failure of publishers: most publishers would not be economically viable without sufficient advertising revenue. This impact is not limited to behemoth publishers like television networks, social-media platforms, and major websites. It also includes thousands of small, independent publishers who serve important, unique consumer needs, and are vital to the free exchange of ideas.

Advertising agencies compete on many dimensions, including in the market no broader than media-buying services.[8] ''Media-buying services'' refers to the purchase of advertising space from publishers for or on behalf of advertisers.[9] Historically, agencies needed scale to achieve favorable results in negotiations with publishers, encouraging consolidation in the market to today's so-called ''Big Six.'' [10]

Omnicom's proposed acquisition of IPG would consolidate the media-buying services market even further. It would bring together the third- and fourth-largest companies in this market to form a new number one, while reducing the number of significant competitors from six to five.[11] As a result, concentration in this market would increase. One of the great dangers of mergers such as this one is they increase the risk of collusion among the remaining firms, which can lead to higher prices, reduced output, and other actions that harm consumers such as degraded quality.[12] This risk is what is often referred to as ''coordinated effects''—a merger leads to reduced competition not because of a single firm's unilateral actions, but because a group of firms coordinate their behavior in anticompetitive ways.[13]

The rationale for this longstanding concern about the increased risk of coordinated effects from higher concentration is straightforward. The ease of coordination is inversely related to the number of firms in a market. Collusion and coordination are easier in concentrated markets with few participants than in unconcentrated markets with many participants. Collusion, of course, is ''the supreme evil of antitrust.'' [14] Section 7 of the Clayton Act therefore prohibits mergers that ''create an appreciable danger of collusive practices in the future.'' [15] Decades-old precedent establishes that a merger that reduces the number of competitors from six to five, like this one, can, in some circumstances, suffice to establish a section 7 violation.[16] That is not to say a six-to-five merger always violates section 7. This precedent merely establishes that increased consolidation raises antitrust concerns, and the reduction of a market from six to five competitors increases the risk of collusion in that market. Leading antitrust scholars across the spectrum have similarly identified mergers that increased the risks of coordinated effects as suspect.[17] And the antitrust agencies' joint merger guidelines dating back to 1992 have uniformly declared that a merger which increases the risk of coordination can violate section 7.[18]

[1] Complaint ¶ 11, *In the Matter of Omnicom Group and The Interpublic Group of Cos.,* Matter No. 2510049 (''Complaint'').

[2] *Id.* ¶ 13; see also Omnicom to Acquire Interpublic in Deal that Will Reshape Advertising Industry, Wall St. J. (Dec. 9, 2024), *https://www.wsj.com/business/media/omnicom-to-acquire-interpublic-group-in-deal-that-will-reshape-advertising-industry-eed6f1b3.*

[3] 15 U.S.C. 18.

[4] Complaint ¶¶ 6, 12.

[5] *Id.* ¶ 6.

[6] *Id.* ¶ 7.

[7] *Ibid.*

[8] *Id.* ¶ 9.

[9] *Ibid.*

[10] *Id.* ¶¶ 8, 12.

[11] *Id.* ¶¶ 11, 13.

[12] Phillip Areeda & Herbert Hovenkamp, Antitrust Law: An Analysis of Antitrust Principles and Their Application ¶ 916 (rev. ed. 2024) (''Areeda & Hovenkamp'') (''Today the most orthodox and probably the commonly asserted rationale for challenging mergers is that under appropriate circumstances they can facilitate express collusion or oligopoly interaction among the various firms in the post-merger market, including both those that participated in the merger and those that did not.''); see also *Brooke Grp. Ltd.* v. *Brown & Williamson Tobacco Corp.,* 509 U.S. 209, 229–30 (1993) (''In the § 7 context, it has long been settled that excessive concentration, and the oligopolistic price coordination it portends, may be the injury to competition the Act prohibits.'').

[13] Complaint ¶ 15.

[14] *Verizon Commc'ns* v. *Law Offs. of Curtis V. Trinko,* 540 U.S. 398, 408 (2004).

[15] *FTC* v. *H.J. Heinz Co.,* 246 F.3d 708, 719 (D.C. Cir. 2001) (cleaned up).

[16] *FTC* v. *Elders Grain, Inc.,* 868 F.2d 901, 905 (7th Cir. 1989) (Posner, J.) (affirming preliminary injunction and explaining that ''[t]he supply of industrial dry corn was already highly concentrated before the acquisition, with only six firms of any significance. The acquisition has reduced that number to five. This will make it easier for leading members of the industry to collude on price and output. . . .'').

[17] See *Hosp. Corp. of Am.* v. *FTC,* 807 F.2d 1381, 1386 (7th Cir. 1986) (Posner, J.) (''When an economic approach is taken in a section 7 case, the ultimate issue is whether the challenged acquisition is likely to facilitate collusion.''); D. Daniel Sokol & Sean P. Sullivan, The Decline of Coordinated Effects Enforcement and How to Reverse It, 76 Fla. L. Rev. 265, 268, and 271 (2024) (''The greatest threat today is . . . *oligopoly* power: the ability of a few competitors to do by coordinated conduct the same things a monopolist would do.''; ''The need for vigilance against coordinated effects in merger review is a point upon which opposing philosophies have found common ground.'') (emphasis in original); Herbert Hovenkamp, Prophylactic Merger Policy, 70 Hastings L.J. 45, 51–55 (2018).

[18] Dep't of Justice & Fed. Trade Comm'n, Horizontal Merger Guidelines section 2.1 (April 2, 1992) (''It is likely that market conditions are conducive to coordinated interaction when the firms in the market previously have engaged in express collusion and when the salient characteristics of the market have not changed appreciably since the most recent such incident.'') (''1992 Merger Guidelines''); Dep't of Justice & Fed. Trade Comm'n, Horizontal Merger Guidelines section 2.1 (Apr. 8, 1997) (same); Dep't of Justice & Fed. Trade Comm'n, Horizontal Merger Guidelines section 7.2 (Aug. 19, 2010) (''The Agencies presume that market conditions are conducive to coordinated interaction if firms representing a substantial share in the relevant market appear to have previously engaged in express collusion affecting the relevant market, unless competitive conditions in the market have since changed significantly. . . . Previous collusion or attempted collusion in another product market may also be given substantial weight if the

Continued

The 2023 Merger Guidelines' similar declaration that ''[m]ergers can violate the law when they increase the risk of coordination,'' then reiterates what decades of precedent, scholarship, and previous guidelines have long pronounced.[19]

One factor courts, scholars, and the antitrust agencies have long considered in evaluating the risk of coordinated effects resulting from a merger is whether there is a history of actual or attempted collusion in the industry at issue.[20] A history of collusion, explicit or tacit, demonstrates firms have been willing and able to coordinate their actions in the past, making it more likely they will do so again after a merger, particularly if the merger changes market structure in a way that favors further coordination. The Commission must ''investigate whether facts suggest a greater risk of coordination than market structure alone would suggest.'' [21]

Here, the Complaint alleges such a history of market participants coordinating their conduct. In recent years, the advertising industry has been plagued by deliberate, coordinated efforts to steer ad revenue away from certain news organizations, media outlets, and social media networks.[22] This type of coordination risks America's largest companies' economic weight unwittingly being enlisted for the political and ideological aims of certain advertising industry groups and political activists who in turn avoid the costs they would incur if they merely refused to deal on their own.[23] Indeed, a Congressional investigation [24] concluded the World Federation of Advertisers' Global Alliance for Responsible Media (''GARM'') banded together the most powerful firms in their industry to choke off the vital advertising revenue of those who disagreed with them, disseminated information they believed untrue, or refused to deplatform those who did.[25] The World Federation of Advertisers' members, which include Omnicom and IPG, account for roughly 90 percent of global advertising spending.[26] Both Omnicom and IPG also are founding members of GARM.[27]

GARM has disbanded under a cloud of litigation and congressional investigation.[28] The Commission has not been a party to those actions, and I take no position on any possible violation of the antitrust laws by GARM. The factual allegations, however, if true, paint a troubling picture of a history of coordination—that the group sought to marshal its members into collective boycotts to destroy publishers of content of which they disapproved.[29]

Pre-closing merger analysis is necessarily a prediction of the likelihood the risks posed by a merger will come to pass.[30] When participants in the industry of a proposed merger have a history of actual or attempted collusion, like alleged for the instant transaction, the Commission must be particularly vigilant.[31] In a market like advertising, where we are presented not only with increasing concentration in the relevant market, but also a troubling history of collusion to the detriment of consumers and the free conduct of American political discourse and elections, that duty is especially pressing.[32]

GARM was neither the beginning nor the end of harmful and potentially unlawful collusion in this industry.[33] Numerous other industry groups and private organizations have publicly sought to use the chokepoint of the advertising industry to effect political or ideological goals.[34] Clandestine pressure campaigns and private dealings among these parties are less well documented but pose the serious risk of harm and illegality. The evidence in this case gives me sufficient ''reason to believe'' [35] that, in the absence of any intervention, the proposed acquisition is likely to substantially reduce competition and may enhance the vulnerability to coordinated effects that already exists in this particular industry. The history relayed above convinces me that likelihood is of serious concern to the American public.

As already highlighted, the Commission, in reviewing a merger that effects an increase in concentration, is always duty-bound to address the risk of

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salient characteristics of that other market at the time of the collusion are closely comparable to those in the relevant market.''). The Department of Justice's 1982 Merger Guidelines likewise already declared that ''Where only a few firms account for most of the sales of a product, those firms can in some circumstances coordinate, explicitly or implicitly, their actions in order to approximate the performance of a monopolist.'' Dep't of Justice, Merger Guidelines Part I (June 14, 1982) (''1982 DOJ Merger Guidelines'').

[19] Dep't. of Justice & Fed. Trade Comm'n, Merger Guidelines at 2.3 (Dec. 18, 2023) (''2023 Merger Guidelines'').

[20] *FTC* v. *RAG-Stiftung,* 436 F. Supp. 3d 278, 313 (D.D.C. 2020) (citing and quoting discussion of past collusion in an industry from section 7.1 of the antitrust agencies' 2010 Horizontal Merger Guidelines in addressing market vulnerability to coordination); *New York* v. *Deutsche Telekom AG,* 439 F. Supp. 3d 179, 234 (S.D.N.Y. 2020) (similar); 2023 Merger Guidelines section 2.3A (outlining three ''primary factors'' for assessing the increased risk of coordination—(1) the existence of a highly concentrated market, (2) prior actual or attempted attempts to coordinate, and (3) elimination of a maverick.); 1992 Merger Guidelines section 2.1 (recognizing that past collusion in an industry can be one of the factors giving rise to concerns that following a merger, the remaining firms may coordinate activities); 1982 DOJ Merger Guidelines Part III (''The Department is more likely to challenge a merger in the following circumstances: [ ] Firms in the market previously have been found to have engaged in horizontal collusion regarding price, territories, or customers, and the characteristics of the market have not changed appreciably since the most recent finding'').

[21] 2023 Merger Guidelines at 3.

[22] Complaint ¶¶ 17–18, 20; see also The mysterious group that's picking Breitbart apart, one tweet at a time, Wash. Post (Sept. 22, 2017), *https://www.washingtonpost.com/lifestyle/style/the-mysterious-group-thats-picking-breitbart-apart-one-tweet-at-a-time/2017/09/22/df1ee0c0-9d5c-11e7-9083-fbfddf6804c2_story.html*; 20-Plus Brands Have Stopped Advertising on Tucker Carlson Tonight After Immigration Comments, Ad Week (Dec. 20, 2018), *https://www.adweek.com/convergent-tv/20-plus-brands-have-stopped-advertising-on-tucker-carlson-tonight-after-immigration-comments/*; Snapchat And Pinterest Benefited From The Facebook Boycott—But Can They Keep It Going?, Ad Exchanger (Feb. 9, 2021), *https://www.adexchanger.com/social-media/snapchat-and-pinterest-benefited-from-the-facebook-boycott-but-can-they-keep-it-going/*; Advertisers continue to flee Twitter as civil rights groups call for a boycott, Engadget (Nov. 4, 2022), *https://www.engadget.com/twitter-losing-advertisers-boycott-193748977.html.*

[23] Complaint ¶ 21.

[24] Interim Staff Report of the Comm. on the Judiciary U.S. House of Representatives, GARM's Harm: How the World's Biggest Brands Seek to Control Online Speech (July 10, 2024) (''Interim Staff Report'').

[25] Complaint ¶ 18.

[26] *Ibid.*

[27] Global Alliance for Responsible Media Launches to Address Digital Safety, World Federation of Advertisers (June 18, 2019), *https://wfanet.org/knowledge/item/2019/06/18/Global-Alliance-for-Responsible-Media-launches-to-address-digital-safety.*

[28] Complaint ¶ 19; see also Statement on the Global Alliance for Responsible Media (GARM), World Federation of Advertisers (Aug. 9, 2024), *https://wfanet.org/leadership/garm/about-garm* (''[R]ecent allegations that unfortunately misconstrue [GARM's] purpose and activities have caused a distraction and significantly drained its resources and finances. WFA therefore is making the difficult decision to discontinue GARM activities.'').

[29] See, *e.g.,* Interim Staff Report at 17, 25, 33 (alleging efforts by GARM to drive advertisers away from popular media personalities like Joe Rogan, harm news outlets that reported stories GARM leaders felt were untrue, and coordinate with government agencies to decide which information should be excised from public discourse).

[30] *Brown Shoe Co.* v. *United States,* 370 U.S. 294, 332–33 (1962) (a court must ''predict the probable future consequences of this merger.'').

[31] Complaint ¶ 16.

[32] *Id.* ¶¶ 19–22.

[33] *Id.* ¶ 19.

[34] See Interim Staff Report of the H. Comm. on Small Business, Small Business: Instruments and Casualties of the Censorship-Industrial Complex 42 (Sept. 10, 2024), *https://smallbusiness.house.gov/uploadedfiles/house_committee_on_small_business_cic_report_september_2024.pdf* (describing NewsGuard and other organizations' steering of advertising revenue with ''an unavoidable partisan lens.'').

[35] 15 U.S.C. 45(b); see also *FTC* v. *Standard Oil Co. of Cal.,* 449 U.S. 232, 241 (1980); *Boise Cascade Corp.* v. *FTC,* 498 F. Supp. 772, 779 (D. Del. 1980).

collusion.[36] As a leading antirust treatise makes clear, ''evidence of historical attempts at collusion or evidence that collusion is actually occurring in the present could be considered as 'exacerbating' factors sufficient to warrant a merger challenge under circumstances where structural evidence alone would be insufficient.'' [37] Evidence of past collusion or attempted collusion has played a key role in judicial decisions enjoining mergers under section 7 for many years before the Commission adopted the 2023 Guidelines.[38] And in negotiating settlements, the Commission may impose stringent remedies based on past collusion in the industry.[39]

In this case, to resolve the Commission's concerns, the parties have proposed a remedy in the form of conduct restrictions that will mitigate this merger's anticompetitive effects. The history of collusion in the market for media-buying services, and the increased potential for collusion post-merger, make this a rare instance where the imposition of a behavioral remedy is appropriate.

Specifically, the proposed decision and order prohibits Omnicom and IPG from entering into or maintaining any agreement or practice that would steer advertising dollars away from publishers based on their political or ideological viewpoints. To be sure, coordinated action by advertising agencies against politically disfavored publishers is tantamount to an agreement not to compete on quality—but obtaining such a ruling in litigation could take years. Today's decision and order eliminates the potential for costly litigation while ensuring that Omnicom and IPG abide by the antitrust laws post-merger.

Unlike many conduct remedies, the Commission is well prepared to monitor the ones imposed here. As I pointed out last month, one flaw of conduct remedies is that they can sometimes be difficult to monitor or enforce.[40] Here, however, the Commission can monitor Omnicom's and IPG's compliance. Collusion in the advertising industry remains the subject of active investigations.[41] Any future attempts at collusion by Omnicom and IPG are unlikely to remain hidden. Compliance reporting provisions will give the Commission insight into the merged firm's activities. Likewise, advertisement publishers have a powerful incentive to alert the Commission if they believe that they are the object of unlawful collusion. Moreover, this Agreement requires Omnicom and IPG to cooperate with the Commission in any investigation relating to media-buying services [42]—and I have already noted that investigating and policing censorship practices that run afoul of the antitrust laws is a top priority of the Trump-Vance FTC.[43]

Today's settlement does not limit either advertisers' or marketing companies' constitutionally protected right to free speech—the same freedom that the head of GARM, the organization that Omnicom and IPG founded, once described as an ''extreme global interpretation of the US Constitution'' and '' 'principles for governance' . . . from 230 years ago (made by white men exclusively).'' [44] The decree goes to great lengths to avoid interfering with the free, regular course of business between marketing firms and their customers. Omnicom-IPG may choose with whom it does business and follow any lawful instruction from its customers as to where and how to advertise.[45] No one will be forced to have their brand or their ads appear in venues and among content they do not wish. The prohibited behavior is limited to ''the supreme evil of antitrust''—collusion with other firms and the creation of pre-made ''exclusion lists'' to encourage advertisers to join *de facto* boycotts coordinated by advertising firms and other third parties.[46]

Today, Omnicom and IPG have committed themselves to help stop that sort of coordination in their industry. This consent agreement will help mitigate the dangers inherent in a consolidated national advertising market. I hope the conditions imposed on this merger will encourage all advertising firms to adopt similar practices and thereby reduce the temptation to collude to the detriment of their customers, independent journalists, small and independent media companies, consumers, and the American public square.

[FR Doc. 2025–11760 Filed 6–25–25; 8:45 am]

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[36] Antitrust Law Developments 375 (9th ed. 2022) (''a major goal of the merger laws is to prevent markets from consolidating sufficiently to create or enhance the conditions that permit firms to engage in coordinated interaction''); Complaint ¶ 15.

[37] Areeda & Hovenkamp ¶ 917.

[38] See, *e.g., FTC* v. *Cardinal Health, Inc.,* 12 F. Supp. 2d 34, 65 (D.D.C. 1998) (''Although the Court is not convinced from the record that the Defendants actually engaged in wrongdoing, it is persuaded that in the event of a merger, the Defendants would likely have an increased ability to coordinate their pricing practices.'').

[39] See Opinion of the Commission, *In re Coca-Cola Co.,* 117 F.T.C. 903, 946 (June 13, 1994).

[40] Statement of Chairman Andrew N. Ferguson, Joined by Comm'r Melissa Holyoak and Comm'r Mark R. Meador, *In the Matter of Synopsys, Inc./Ansys, Inc.,* Matter No. 2410059, at 7 (May 28, 2025).

[41] See, *e.g.,* Press Release, Attorney General Ken Paxton Opens Investigation Into Possible Conspiracy by Advertising Companies to Boycott Certain Social Media Platforms (Nov. 21, 2024), *https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-opens-investigation-possible-conspiracy-advertising-companies-boycott.*

[42] Decision and Order, *In the Matter of Omnicom Group, Inc. and The Interpublic Group of Companies, Inc.,* Matter No. 2510049, Part VI (''Decision and Order'').

[43] Testimony of Chairman Andrew N. Ferguson before the H. Comm. on Appropriations, Subcomm. on Financial Services and General Government, at 26 (May 15, 2025).

[44] Interim Staff Report at 2.

[45] Decision and Order, Part II.

[46] *Ibid.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB #: 0970–0598]

Proposed Information Collection Activity; National Human Trafficking Hotline (NHTH) Performance Indicators

AGENCY: Office on Trafficking in Persons, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of an approved information collection: National Human Trafficking Hotline (NHTH) Performance Indicators (Office of Management and Budget (OMB) Number: 0970–0598, expiration October 31, 2025). There are no changes requested to the form.

DATES: *Comments due August 25, 2025.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 107(b)(1)(B)(ii) of the Trafficking Victims Protection Act (TVPA) of 2000, codified at 22 U.S.C. 7105(b)(1)(B)(ii), authorizes the Secretary of the U.S. Department of

Health and Human Services (HHS) to make grants for a national communication system, the NHTH, to assist victims of severe forms of trafficking in persons in communicating with service providers. The objectives of the NHTH are to:

1. Operate the NHTH's telephone, text services, chat services, and website via a coordinated national communications system available 24 hours a day;

2. Provide timely information and service referrals to victims of human trafficking;

3. Notify law enforcement and child welfare agencies of potential cases of human trafficking, as required by law and in other situations where appropriate;

4. Establish and maintain a comprehensive online directory of community-based service providers across the U.S. and its territories.

The NHTH grant recipient collects information about signalers (individuals who contact the hotline) and from signalers regarding potential human trafficking situations and potential victims. The NHTH grant recipient summarizes and reports this information to HHS in the aggregate. HHS uses this information to assess the extent to which the grant recipient fulfills required program activities and to:

- Continuously monitor and mitigate factors impacting NHTH operations;
- Disseminate insights to inform anti-trafficking strategies and policies; and
- Provide information to congress, other federal agencies, stakeholders, and the public on the aggregate outcomes of NHTH operations.

Respondents: Potential victims, representatives of governmental entities, law enforcement, first responders, members of the community, representatives of nongovernmental entities supporting individuals in the U.S. who may have been subjected to severe forms of trafficking in persons who utilize the NHTH as signalers.

Annual Burden Estimates

The estimated number of respondents has been decreased to reflect review of operational data reviewed from the past five years. The updated estimate is an average number of respondents over the next three years based on that most recent data. The estimated time per response remains consistent but overall total estimates are lower due to the reduction in estimated number of respondents.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
NHTH Performance Indicators	51,000	1	0.5	76,500	25,500
NHTH Grant Recipient	1	15	24.13	362	121
Estimated Total Annual Burden Hours					25,621

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 22 U.S.C. 7105

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2025–11797 Filed 6–25–25; 8:45 am]

BILLING CODE 4184–47–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–0176]

Unique Device Identifier Requirements for Combination Products; Draft Guidance for Industry and FDA Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry and FDA staff entitled ''Unique Device Identifier (UDI) Requirements for Combination Products.'' This draft guidance is intended to assist industry and FDA staff in understanding how FDA's unique device identifier (UDI) requirements apply to combination products with device constituent parts.

DATES: Submit either electronic or written comments on the draft guidance by September 24, 2025 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–D–0176 for ''Unique Device Identifier (UDI) Requirements for Combination Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the to the Office of Combination Products, Food and Drug Administration, Bldg. 32, Rm. 5129, 10903 New Hampshire Ave. Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Stephanie Shapley, Office of Combination Products, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 32, Rm. 5129, Silver Spring, MD 20993–0002, 301–796–4836, *stephanie.shapley@fda.hhs.gov* or *combination@fda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry and FDA staff entitled ''Unique Device Identifier (UDI) Requirements for Combination Products.'' A combination product is comprised of two or more different types of products (*i.e.,* a combination of a drug, device, and/or biological product with one another). Each drug, device, and biological product included in a combination product is referred to as a ''constituent part'' of the combination product (see 21 CFR 3.2). The final rule entitled ''Unique Device Identification System'' (UDI Rule), establishing the unique device identification system, published on September 24, 2013 (78 FR 58786). The UDI Rule requires that the label and device package of every medical device bear a UDI, unless an exception or alternative applies (see 21 CFR 801.20).

This draft guidance is intended to assist industry and FDA staff in understanding how FDA's UDI requirements at 21 CFR part 801 subpart B and part 830 subpart E apply to combination products with device constituent parts. This draft guidance outlines the requirements, recommendations, and best practices for UDI labeling and for submission of information to the Global Unique Device Identification Database for such combination products. This draft guidance also provides some hypothetical examples to illustrate how UDI requirements can be met for combination products.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Unique Device Identifier (UDI) Requirements for Combination Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Other Issues for Consideration

The draft guidance acknowledges that for some co-packaged combination products that properly bear a National Drug Code, labelers may be able to identify each device constituent part based on information captured in the product identifier and the combination product's quality system (*e.g.,* the device version or model number and device lot/batch for each device). FDA requests public comment on the statement in the draft guidance that FDA is considering what approach or approaches to take in these circumstances for types of device constituent parts in such combination products. See section III.B. of the draft guidance.

III. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 801 subpart B and 21 CFR part 830 have been approved under OMB control number 0910–0485.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/combination-products/guidance-regulatory-information/combination-products-guidance-documents, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11806 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 064

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 064'' (Recognition List Number: 064), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit either electronic or written comments on the notice at any time. These modifications to the list of recognized standards are applicable June 26, 2025.

ADDRESSES: You may submit comments on the current list of FDA Recognized Consensus Standards at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2004–N–0451 for ''Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 064.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 064.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

An electronic copy of Recognition List Number: 064 is available on the internet at *https://www.fda.gov/medical-devices/division-standards-and-conformity-assessment/federal-register-documents.* See section IV for electronic access to the searchable database for the current list of FDA-recognized consensus standards, including Recognition List Number: 064 modifications and other standards-related information. Submit written requests for a single hard copy of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 064'' to Terry Woods, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Silver Spring, MD 20993, 301–796–2503. Send one self-addressed adhesive label to assist that office in processing your request or fax your request to 301–847–8144.

FOR FURTHER INFORMATION CONTACT: Terry Woods, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Silver Spring, MD 20993, 301–796–2503, *CDRHStandardsStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360d). Amended section 514 of the FD&C Act allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device

premarket review submissions or other requirements.

In the **Federal Register** of September 14, 2018 (83 FR 46738), FDA announced the availability of a guidance entitled ''Appropriate Use of Voluntary Consensus Standards in Premarket Submissions for Medical Devices.'' The guidance describes how FDA has implemented its standards recognition program and is available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/appropriate-use-voluntary-consensus-standards-premarket-submissions-medical-devices.* Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *https://www.fda.gov/medical-devices/standards-and-conformity-assessment-program/federal-register-documents.*

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains on its website HTML and PDF versions of the list of FDA Recognized Consensus Standards, available at *https://www.fda.gov/medical-devices/standards-and-conformity-assessment-program/federal-register-documents.* Additional information on the Agency's Standards and Conformity Assessment Program is available at *https://www.fda.gov/medical-devices/premarket-submissions-selecting-and-preparing-correct-submission/division-standards-and-conformity-assessment.*

II. Modifications to the List of Recognized Standards, Recognition List Number: 064

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency is recognizing for use in premarket submissions and other requirements for devices. FDA is incorporating these modifications to the list of FDA Recognized Consensus Standards in the Agency's searchable database. FDA is using the term ''Recognition List Number: 064'' to identify the current modifications.

In table 1, FDA describes the following modifications: (1) the withdrawal of standards and their replacement by others, if applicable; (2) the correction of errors made by FDA in listing previously recognized standards; and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

In section III, FDA lists modifications the Agency is making that involve new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 064.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
		A. Anesthesiology	
1–120	1–193	ISO 18190 Second edition 2025–02 Anaesthetic and respiratory equipment—General requirements for airway devices and related equipment.	Withdrawn and replaced with newer version.
		B. Biocompatibility	
2–136	2–305	ASTM E1262–24 Standard Guide for Performance of Chinese Hamster Ovary Cell/Hypoxanthine Guanine Phosphoribosyl Transferase Gene Mutation Assay.	Withdrawn and replaced with newer version.
2–145	2–306	ASTM F1439–24 Standard Guide for Performance of Lifetime Bioassay for the Tumorigenic Potential of Implant Materials.	Withdrawn and replaced with newer version.
2–246	2–307	ASTM F1877–24 Standard Practice for Characterization of Particles	Withdrawn and replaced with newer version.
		C. Cardiovascular	
3–103	3–198	ISO 25539–3 Second edition 2024–10 Cardiovascular implants—Endovascular devices—Part 3: Vena cava filters.	Withdrawn and replaced with newer version.
3–165	3–199	ASTM F1841–25 Standard Practice for Assessment of Hemolysis in Blood Pumps.	Withdrawn and replaced with newer version.
3–184	3–200	ASTM F2477–24 Standard Test Methods for in vitro Pulsatile Durability Testing of Vascular Stents and Endovascular Prostheses.	Withdrawn and replaced with newer version.
		D. Dental/Ear, Nose, and Throat (ENT)	
4–293	4–339	ANSI/ADA Standard No. 119–2023 Dentistry—Manual Toothbrushes	Withdrawn and replaced with newer version.
		E. General I (Quality Systems/Risk Management) (QS/RM)	
5–97	5–144	ISO 80369–20 Second edition 2024–11 Small-bore connectors for liquids and gases in healthcare applications—Part 20: Common test methods.	Withdrawn and replaced with newer version.
5–102	5–145	IEC 60417:2025 DB Graphical symbols for use on equipment	Withdrawn and replaced with newer version.
		F. General II (Electrical Safety/Electromagnetic Compatibility) (ES/EMC)	
19–24	19–54	IEC 60086–5 Edition 5.0 2021–09 Primary batteries—Part 5: Safety of batteries with aqueous electrolyte [Including Corrigendum 1 (2022)].	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
19–33	19–55	IEC 62133–2 Edition 1.1 2021–07 CONSOLIDATED VERSION Secondary cells and batteries containing alkaline or other non-acid electrolytes—Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications—Part 2: Lithium systems.	Withdrawn and replaced with newer version.
19–40	19–56	IEC 60086–4 Edition 6.0 2025–01 Primary batteries—Part 4: Safety of lithium batteries.	Withdrawn and replaced with newer version.
G. General Hospital/General Plastic Surgery (GH/GPS)			
6–179	6–505	ISO 21649 Second edition 2023–01 Needle-free injection systems for medical use—Requirements and test methods.	Withdrawn and replaced with newer version.
6–242	6–506	ISO 8536–2 Fourth edition 2023–01 Infusion equipment for medical use—Part 2: Closures for infusion bottles.	Withdrawn and replaced with newer version.
6–273	6–507	ISO 23908 Second edition 2024–12 Sharps injury protection—Sharps protection mechanisms for single-use needles, introducers for catheters and needles used for blood testing, monitoring, sampling and medical substance administration—Requirements and test methods.	Withdrawn and replaced with newer version.
6–405	6–508	IEC 80601–2–59 Edition 2.1 2023–01 CONSOLIDATED VERSION Medical electrical equipment—Part 2–59: Particular requirements for the basic safety and essential performance of screening thermographs for human febrile temperature screening.	Withdrawn and replaced with newer version.
6–407	6–509	ASTM F3186–24 Standard Specification for Adult Portable Bed Rails and Related Products.	Withdrawn and replaced with newer version.
6–438	6–510	IEC 80601–2–77 Edition 1.1 2023–11 CONSOLIDATED VERSION Medical electrical equipment—Part 2–77: Particular requirements for the basic safety and essential performance of robotically assisted surgical equipment.	Withdrawn and replaced with newer version.
6–464	6–511	ISO 11040–4 Fourth edition 2024–06 Prefilled syringes—Part 4: Glass barrels for injectables and sterilized subassembled syringes ready for filling.	Withdrawn and replaced with newer version.
6–483	6–512	IEC 60601–2–35 Edition 2.1 2023–12 CONSOLIDATED VERSION Medical electrical equipment—Part 2–35: Particular requirements for the basic safety and essential performance of heating devices using blankets pads and mattresses and intended for heating in medical use.	Withdrawn and replaced with newer version.
H. In Vitro Diagnostics (IVD)			
7–327	7–328	CLSI M100 35th Edition Performance Standards for Antimicrobial Susceptibility Testing.	Withdrawn and replaced with newer version.
I. Materials			
No new entries at this time.			
J. Nanotechnology			
No new entries at this time.			
K. Neurology			
17–4	17–21	ASTM F647–22 Standard Practice for Evaluating and Specifying Implantable Shunt Assemblies for Neurosurgical Application.	Withdrawn and replaced with newer version.
17–16	17–22	IEC 60601–2–10 Edition 2.2 2023–01 CONSOLIDATED VERSION Medical electrical equipment—Part 2–10: Particular requirements for the basic safety and essential performance of nerve and muscle stimulators.	Withdrawn and replaced with newer version.
L. Obstetrics-Gynecology/Gastroenterology/Urology (OB-Gyn/G/Urology)			
No new entries at this time.			
M. Ophthalmic			
10–98	10–137	ISO 11979–2 Third edition 2024–10 Ophthalmic implants—Intraocular lenses—Part 2: Optical properties and test methods.	Withdrawn and replaced with newer version.
N. Orthopedic			
11–344	11–420	ASTM F2580–24 Standard Test Method for Evaluation of Modular Connection of Proximally Fixed Femoral Hip Prostheses.	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
11–347	11–421	ASTM F2077–24 Standard Test Methods for Intervertebral Body Fusion Devices.	Withdrawn and replaced with newer version.
11–402	11–422	ASTM F1798–24 Standard Test Method for Evaluating the Static and Fatigue Properties of Interconnection Mechanisms and Subassemblies Used in Spinal Arthrodesis Implants.	Withdrawn and replaced with newer version.
O. Physical Medicine			
No new entries at this time.			
P. Radiology			
12–115	12–367	ISO 13695 Second edition 2024–11 Optics and photonics—Lasers and laser-related equipment—Test methods for the spectral characteristics of lasers.	Withdrawn and replaced with newer version.
12–116	12–368	ISO 13696 Second edition 2022–06 Optics and photonics—Test methods for radiation scattered by optical components.	Withdrawn and replaced with newer version.
12–134	12–369	ISO 11146–1 Second edition 2021–07 Lasers and laser-related equipment—Test methods for laser beamwidths, divergence angles and beam propagation ratios—Part 1: Stigmatic and simple astigmatic beams.	Withdrawn and replaced with newer version.
12–142	12–370	ISO 11146–2 Second edition 2021–07 Lasers and laser-related equipment—Test methods for laser beamwidths, divergence angles and beam propagation ratios—Part 2: General astigmatic beams.	Withdrawn and replaced with newer version.
12–171	12–371	ISO 14880–2 Second edition 2024–11 Optics and photonics—Microlens arrays—Part 2: Test methods for wavefront aberrations.	Withdrawn and replaced with newer version.
12–172	12–372	ISO 14880–3 Second edition 2024–11 Optics and photonics—Microlens arrays—Part 3: Test methods for optical properties other than wavefront aberrations.	Withdrawn and replaced with newer version.
12–173	12–373	ISO 14880–4 Second edition 2024–11 Optics and photonics—Microlens arrays—Part 4: Test methods for geometrical properties.	Withdrawn and replaced with newer version.
12–175	12–374	ISO 24013 Second edition 2023–06 Optics and photonics—Lasers and laser-related equipment—Measurement of phase retardation of optical components for polarized laser radiation.	Withdrawn and replaced with newer version.
12–177	12–375	ANSI/UL 122–2019 Standard for Safety Photographic Equipment—Ed. 5.0 [Including revisions through October 15, 2019].	Withdrawn and replaced with newer version.
12–266	12–376	IEC 61689 Edition 4.0 2022–03 Ultrasonics—Physiotherapy systems—Field specifications and methods of measurement in the frequency range 0.5 MHz to 5 MHz.	Withdrawn and replaced with newer version.
12–279	12–377	IEC 62127–03 Edition 2.0 2022–12 Ultrasonics—Hydrophones—Part 3: Properties of hydrophones for ultrasonic fields.	Withdrawn and replaced with newer version.
12–282	12–378	ISO 12609–1 Second edition 2021–10 Eye and face protection against intense light sources used on humans and animals for cosmetic and medical applications—Part 1: Specification for products.	Withdrawn and replaced with newer version.
12–291	12–379	IEC 62127–2 Edition 2.0 2025–01 Ultrasonics—Hydrophones—Part 2: Calibration for ultrasonic fields.	Withdrawn and replaced with newer version.
12–293	12–380	IEC 60601–2–37 Edition 3.0 2024–07 Medical electrical equipment—Part 2–37: Particular requirements for the basic safety and essential performance of ultrasonic medical diagnostic and monitoring equipment.	Withdrawn and replaced with newer version.
12–319	12–381	IEC 60601–2–68 Second edition 2025–02 Medical electrical equipment—Part 2–68: Particular requirements for the basic safety and essential performance of X-ray-based image-guided radiotherapy equipment for use with electron accelerators, light ion beam therapy equipment and radionuclide beam therapy equipment.	Withdrawn and replaced with newer version.
12–326	12–382	NEMA NU 2–2024 Performance Measurements of Positron Emission Tomographs.	Withdrawn and replaced with newer version.
12–337	12–383	NEMA NU 1–2023 Performance Measurements of Gamma Cameras	Withdrawn and replaced with newer version.
Q. Software/Informatics			
13–9	.....	CLSI AUTO02–A2 Laboratory Automation: Bar Codes for Specimen Container Identification; Approved Standard—Second Edition.	Transferred. See 7–331.
13–10	.....	CLSI AUTO01–A Laboratory Automation: Specimen Container/Specimen Carrier; Approved Standard.	Transferred. See 7–332.
13–12	.....	CLSI AUTO04–A Laboratory Automation: Systems Operational Requirements, Characteristics, and Information Elements; Approved Standard.	Transferred. See 7–333.
13–13	.....	CLSI AUTO05–A Laboratory Automation: Electromechanical Interfaces; Approved Standard.	Transferred. See 7–334.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
13–14	.....	CLSI POCT01–A2 Point-of-Care Connectivity; Approved Standard—Second Edition.	Transferred. See 7–335.
13–15	.....	CLSI AUTO13–A2 (Formerly GP19–A2) Laboratory Instruments and Data Management Systems: Design of Software User Interfaces and End-User Software Systems Validation, Operation, and Monitoring; Approved Guideline—Second Edition.	Transferred. See 7–345.
13–17	.....	CLSI LIS02–A2 Specification for Transferring Information Between Clinical Instruments and Computer Systems; Approved Standard—Second Edition.	Transferred. See 7–336.
13–25	.....	CLSI AUTO08–A Managing and Validating Laboratory Information Systems; Approved Guideline.	Transferred. See 7–337.
13–26	.....	CLSI AUTO10–A Autoverification of Clinical Laboratory Test Results; Approved Guideline.	Transferred. See 7–338.
13–28	.....	CLSI AUTO09–A Remote Access to Clinical Laboratory Diagnostic Devices via the Internet; Approved Standard.	Transferred. See 7–339.
13–29	.....	CLSI LIS01–A2 Specification for Low-Level Protocol to Transfer Messages Between Clinical Laboratory Instruments and Computer Systems; Approved Standard—Second Edition.	Transferred. See 7–340.
13–30	.....	CLSI AUTO03–A2 Laboratory Automation: Communications with Automated Clinical Laboratory Systems, Instruments, Devices, and Information Systems; Approved Standard—Second Edition.	Transferred. See 7–341.
13–31	.....	CLSI AUTO12–A Specimen Labels: Content and Location, Fonts, and Label Orientation; Approved Standard.	Transferred. See 7–342.
13–36	13–143	AAMI TIR45:2023 Guidance on the use of AGILE practices in the development of medical device software.	Withdrawn and replaced by newer version.
13–37	.....	CLSI AUTO07–A Laboratory Automation: Data Content for Specimen Identification; Approved Standard.	Transferred. See 7–343.
13–56	13–147	IEEE Std 11073–10406–2023 Health Informatics—Device Interoperability Part 10406: Personal Health Device Communication—Device Specialization—Basic Electrocardiograph (ECG) (1- to 3-lead ECG).	Withdrawn and replaced by newer version.
13–72	13–144	IEEE Std 11073–10425–2023 Health Informatics—Device Interoperability Part 10425: Personal Health Device Communication—Device Specialization—Continuous Glucose Monitor (CGM).	Withdrawn and replaced by newer version.
13–81	13–145	IEEE Std 11073–10419–2023 Health Informatics—Device Interoperability Part 10419: Personal Health Device Communication—Device Specialization—Insulin Pump.	Withdrawn and replaced by newer version.
13–84	13–146	IEEE Std 11073–10103–2023 Health Informatics—Device Interoperability Part 10103: Point-of-Care Medical Device Communication—Nomenclature—Implantable Device, Cardiac.	Withdrawn and replaced by newer version.
13–85	.....	CLSI AUTO11–A2 Information Technology Security of In Vitro Diagnostic Instruments and Software Systems; Approved Standard—Second Edition.	Transferred. See 7–344.
13–88	.....	ISO IEEE 11073–10417 Third edition 2017–04 Health informatics—Personal health device communication—Part 10417: Device specialization—Glucose meter.	Transferred. See 13–90.
13–89	.....	ISO IEEE 11073–10406 First edition 2012–12–01 Health informatics—Personal health device communication—Part 10406: Device specialization—Basic electrocardiograph (ECG) (1- to 3-lead ECG).	Transferred. See 13–56.
13–90	13–148	IEEE Std 11073–10417–2023 Health Informatics—Device Interoperability Part 10417: Personal Health Device Communication—Device Specialization—Glucose Meter.	Withdrawn and replaced by newer version.
13–91	.....	ISO IEEE 11073–10419 First edition 2016–06–15 Health informatics—Personal health device communication—Part 10419: Device specialization—Insulin pump.	Transferred. See 13–81.
13–95	.....	ISO IEEE 11073–10425 First edition 2016–06–15 Health informatics—Personal health device communication—Part 10425: Device specialization—Continuous glucose monitor (CGM).	Transferred. See 13–72.
13–116	13–142	FIRST CVSS v3.1 Common Vulnerability Scoring System	Withdrawn and replaced by newer version.
13–142	13–140	FIRST CVSS v4.0 Common Vulnerability Scoring System.	Withdrawn and replaced by newer version.
		R. Sterility	
14–336	.....	ISO 14161 Second edition 2009–09–15 Sterilization of health care products—Biological indicators—Guidance for the selection, use and interpretation of results.	Withdrawn with transition. See 14–610. Extent of recognition.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
14–528	14–611	ISO 11137–1 Second edition 2025–04 Sterilization of health care products—Radiation—Part 1: Requirements for the development, validation and routine control of a sterilization process for medical devices.	Withdrawn and replaced with newer version.
S. Tissue Engineering			
No new entries at this time.			

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In table 2, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 064. These entries are of standards not previously recognized by FDA.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
A. Anesthesiology		
1–194	Anaesthetic and respiratory equipment—Nebulizing systems and components	ISO 27427 Fourth edition 2023–07.
1–195	Small-bore connectors for liquids and gases in healthcare applications—Part 2: Connectors for respiratory applications.	ISO 80369–2 First edition 2024–09.
1–196	Medical electrical equipment—Part 2–90: Particular requirements for basic safety and essential performance of respiratory high-flow therapy equipment.	ISO 80601–2–90 First edition 2021–08.
B. Biocompatibility		
No new entries at this time.		
C. Cardiovascular		
No new entries at this time.		
D. Dental/ENT		
4–340	Dental Patient Chair	ANSI/ADA Standard No. 46–2016.
4–341	Stationary Dental Units and Patient Chairs—Part 1: General Requirements	ANSI/ADA Standard No. 47–1–2021.
4–342	Stationary Dental Units and Patient Chairs—Part 2: Air, Water, Suction and Wastewater Systems.	ANSI/ADA Standard No. 47–2–2021.
4–343	Elastomeric Auxiliaries for Use in Orthodontics	ANSI/ADA Standard No. 105–2024.
4–344	Dentistry—Polymer-based Machinable Blanks	ANSI/ADA Standard No. 186–2024.
4–345	Dentistry—Dental CAD/CAM Machinable Ceramic Blanks	ANSI/ADA Standard No. 187–2024.
4–346	Dentistry—Operating lights	ISO 9680 Fourth edition 2021–11.
4–347	Dentistry—Manual toothbrushes—Resistance of tufted portion to deflection	ISO 22254 First edition 2005–08.
E. General I (QS/RM)		
No new entries at this time.		
F. General II (ES/EMC)		
No new entries at this time.		
G. GH/GPS		
6–513	Non-active surgical implants—Mammary implants—Specific requirements	ISO 14607 Fourth Edition 2024–12.
H. IVD		
7–329	Developer Validation of Linearity	CLSI EP06–EG 2nd Edition.
7–330	Performance Standards for Antifungal Susceptibility Testing of Filamentous Fungi.	CLSI M38M51S 3rd Edition
7–331	Laboratory Automation: Bar Codes for Specimen Container Identification; Approved Standard—Second Edition.	CLSI AUTO02–A2.
7–332	Laboratory Automation: Specimen Container/Specimen Carrier; Approved Standard.	CLSI AUTO01–A.
7–333	Laboratory Automation: Systems Operational Requirements, Characteristics, and Information Elements; Approved Standard.	CLSI AUTO04–A.
7–334	Laboratory Automation: Electromechanical Interfaces; Approved Standard	CLSI AUTO05–A.
7–335	Point-of-Care Connectivity; Approved Standard—Second Edition	CLSI POCT01–A2.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
7–336	Specification for Transferring Information Between Clinical Instruments and Computer Systems; Approved Standard—Second Edition.	CLSI LIS02–A2.
7–337	Managing and Validating Laboratory Information Systems; Approved Guideline	CLSI AUTO08–A.
7–338	Autoverification of Clinical Laboratory Test Results; Approved Guideline	CLSI AUTO10–A.
7–339	Remote Access to Clinical Laboratory Diagnostic Devices via the Internet; Approved Standard.	CLSI AUTO09–A.
7–340	Specification for Low-Level Protocol to Transfer Messages Between Clinical Laboratory Instruments and Computer Systems; Approved Standard—Second Edition.	CLSI LIS01–A2.
7–341	Laboratory Automation: Communications with Automated Clinical Laboratory Systems, Instruments, Devices, and Information Systems; Approved Standard—Second Edition.	CLSI AUTO03–A2.
7–342	Specimen Labels: Content and Location, Fonts, and Label Orientation; Approved Standard.	CLSI AUTO12–A.
7–343	Laboratory Automation: Data Content for Specimen Identification; Approved Standard.	CLSI AUTO07–A.
7–344	Information Technology Security of In Vitro Diagnostic Instruments and Software Systems; Approved Standard—Second Edition.	CLSI AUTO11–A2.
7–345	Laboratory Instruments and Data Management Systems: Design of Software User Interfaces and End-User Software Systems Validation, Operation, and Monitoring; Approved Guideline—Second Edition.	CLSI AUTO13–A2 (Formerly GP19–A2).
I. Materials		
No new entries at this time.		
J. Nanotechnology		
No new entries at this time.		
K. Neurology		
17–20	Particular requirements for the basic safety and essential performance of electromyographs and evoked response equipment.	IEC 60601–2–40 Third edition 2024–12.
L. OB-Gyn/G/Urology		
9–151	Standard Specification for Ureteral Stents	ASTM F1828–22.
M. Ophthalmic		
10–138	Ophthalmic instruments—Optical coherence tomographs—Part 1: Optical coherence tomographs for the posterior segment of the human eye.	ISO 16971–1 First edition 2024–11.
N. Orthopedic		
No new entries at this time.		
O. Physical Medicine		
No new entries at this time.		
P. Radiology		
No new entries at this time.		
Q. Software/Informatics		
No new entries at this time.		
R. Sterility		
14–610	Sterilization of health care products—Biological indicators—Part 7: Guidance for the selection, use and interpretation of results.	ISO 11138–7 First edition 2019–03.
S. Tissue Engineering		
No new entries at this time.		

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the current list of FDA Recognized Consensus Standards in a searchable database that may be accessed at *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.* Such standards are those that FDA has recognized by notice published in the **Federal Register** or that FDA has decided to recognize but for which recognition is pending (because a periodic notice has not yet appeared in the **Federal Register**). FDA will announce additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *CDRHStandardsStaff@fda.hhs.gov.* To be considered, such recommendations should contain, at a minimum, the information available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/standards-and-conformity-assessment-program#process.*

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11792 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0810]

Conducting Remote Regulatory Assessments—Questions and Answers; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Conducting Remote Regulatory Assessments—Question and Answers.'' The final guidance describes FDA's current thinking regarding its use of remote regulatory assessments (RRAs) and provides answers to frequently asked questions. FDA has used RRAs to conduct oversight, mitigate risk, meet critical public health needs, and help evaluate compliance of FDA-regulated products with applicable regulatory requirements.

DATES: The announcement of the guidance is published in the **Federal Register** on June 26, 2025.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–0810 for ''Conducting Remote Regulatory Assessments; Questions and Answers; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Division of Inspectorate Policy, Office of Inspections and Investigations (OII), Food and Drug Administration, Element Building, 12420 Parklawn Dr., Rockville, MD 20852. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by emailing OII at *oiipolicystaffs@fda.hhs.gov.* See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Ben Firschein, Office of Inspections and Investigations, Division of Inspectorate Policy, Food and Drug Administration, 12420 Parklawn Drive, Element Building, Rockville MD 20857, *Ben.Firschein@fda.hhs.gov,* 240–402–0613; or Patrick Clouser, Office of Inspections and Investigations, Division of Inspectorate Policy, Food and Drug Administration, Element Building, 12420 Parklawn Dr., Rockville, MD 20857, *Patrick.Clouser@fda.hhs.gov,* 240–402–5276.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled ''Conducting Remote Regulatory Assessments—Questions and Answers.'' The final guidance makes further revisions to and replaces the revised draft guidance entitled ''Conducting Remote Regulatory Assessments—Questions and Answers; Draft Guidance for Industry,'' which was announced in the **Federal Register** on January 26, 2024 (89 FR 5244) (hereafter, the ''revised draft guidance''). FDA issued the revised draft guidance to describe the Agency's thinking regarding its use of RRAs, to help increase the industry's understanding of voluntary and mandatory RRAs, and to facilitate FDA's process for conducting remote assessments for FDA-regulated products outside of the COVID–19 public health emergency. The revised draft guidance reflected consideration of comments on a preceding draft guidance of the same title as well as revisions to align with 2022 changes in law,[1] including to address a requirement to issue guidance [2] related to section 704(a)(4) of the Federal Food, Drug, and Cosmetic Act (*i.e.,* requests for records in advance of or in lieu of an inspection; such requests are a type of RRA). The comment period for the revised draft guidance ended on March 26, 2024.

The final guidance additionally reflects consideration of comments from interested parties on the revised draft guidance. Specifically, the final guidance includes changes to: (1) distinguish more clearly between mandatory and voluntary RRA requests; (2) clarify how FDA intends to inform establishments of the terms of participation in voluntary RRAs and obtain their consent to conduct the RRA; (3) facilitate transparency and consistency in FDA's use of RRAs across regulated products, as applicable; (4) clarify mechanisms for electronic records reviews and conditions under which live data access might occur; and (5) address concerns about confidentiality and security of establishment information reviewed by FDA. The final guidance also addresses the 2022 requirement for issuance of final guidance [3] relating to the Agency's use of section 704(a)(4) of the FD&C Act.

The final guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The final guidance represents the current thinking of FDA on ''Conducting Remote Regulatory Assessments.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

FDA considered the applicability of Executive Order 14192, per OMB guidance in M–25–20, and finds this action to be deregulatory in nature.

II. Paperwork Reduction Act of 1995

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the revised guidance at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs,* or *https://www.regulations.gov.*

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11754 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

[1] See sections 3611, 3612, and 3613 of the Food and Drug Omnibus Reform Act of 2022 (FDORA), enacted as part of the Consolidated Appropriations Act, 2023, Public Law 117–328 (2022). Among changes made by FDORA were adding (in addition to drug establishments) device establishments, and sites, entities, or facilities subject to bioresearch monitoring (BIMO) inspections, to mandatory records request authority under section 704(a)(4) of the FD&C Act.

[2] FDORA section 3611(b)(2) required FDA to issue (or update) guidance as draft, and then, issue final guidance, describing the circumstances under which the Agency intends to use its authority to issue requests for records or other information under section 704(a)(4) of the FD&C Act (as amended by FDORA), the processes for firms to respond, and the factors for determining whether a facility has appropriately and timely responded.

[3] Id.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–2315]

Early Lyme Disease as Manifested by Erythema Migrans: Developing Drugs for Treatment; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Early Lyme Disease as Manifested by Erythema Migrans: Developing Drugs for Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment of early Lyme disease as manifested by erythema migrans (EM). This guidance finalizes the draft guidance of the same name issued on February 1, 2023.

DATES: The announcement of the guidance is published in the **Federal Register** on June 26, 2025.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–2315 for ''Early Lyme Disease as Manifested by Erythema Migrans: Developing Drugs for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Shabnam Naseer, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6239, Silver Spring, MD 20993, 301–796–8539.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance for industry entitled ''Early Lyme Disease as Manifested by Erythema Migrans: Developing Drugs for Treatment.''

The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment of early Lyme disease as manifested by EM.

This guidance finalizes the draft guidance of the same name issued on February 1, 2023 (88 FR 6759). FDA made clarifying edits in response to pertinent public comments that were received on the background section, as well as regarding endpoints (*e.g.,* patient-reported outcome development), missing data, and safety database size.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Early Lyme Disease as Manifested by Erythema Migrans: Developing Drugs for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 pertaining to investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 pertaining to new drug applications have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 pertaining to biologics license applications have been approved under OMB control number 0910–0338. The collections of information in 21 CFR part 201 pertaining to prescription product labeling requirements have been approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov*.

Dated: June 20, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11809 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0150]

Revocation of Authorization of Emergency Use of In Vitro Diagnostic Device for Detection and/or Diagnosis of COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorization (EUA) (the Authorization) issued to Cepheid for the Xpert Xpress SARS–CoV–2 test. FDA revoked the Authorization under the Federal Food, Drug, and Cosmetic Act (FD&C Act) as requested by the Authorization holder. The revocation, which includes an explanation of the reason for revocation, is reprinted at the end of this document.

DATES: The revocation of the Authorization for the Cepheid's Xpert Xpress SARS–CoV–2 test was effective as of May 28, 2025.

ADDRESSES: Submit written requests for a single copy of the revocation to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the revocation may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocation.

FOR FURTHER INFORMATION CONTACT: Kim Sapsford-Medintz, Office of Product Evaluation and Quality, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3216, Silver Spring, MD 20993–0002, 301–796–0311 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5) allows FDA to strengthen the public health protections against biological, chemical, radiological, or nuclear agent or agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations.

On March 20, 2020, FDA issued the Authorization to Cepheid for the Xpert Xpress SARS–CoV–2 test, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on June 5, 2020 (85 FR 34638), as required by section 564(h)(1) of the FD&C Act.

Subsequent updates to the Authorization were made available on FDA's website. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. Authorization Revocation Request

In a request received by FDA on May 21, 2025, Cepheid requested the revocation of, and on May 28, 2025, FDA revoked, the Authorization for the Cepheid's Xpert Xpress SARS–CoV–2 test. Cepheid notified FDA that all its U.S. customers transitioned to the Xpert Xpress SARS–CoV–2 *plus* product that was authorized under EUA220187, and requested FDA revoke the Cepheid's Xpert Xpress SARS–CoV–2 test. FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. Electronic Access

An electronic version of this document and the full text of the revocation is available on the internet at *https://www.regulations.gov/.*

IV. The Revocation

Having concluded that the criteria for revocation of the Authorization under section 564(g)(2)(C) of the FD&C Act are met, FDA has revoked the EUA for Cepheid's Xpert Xpress SARS–CoV–2 test. The revocation in its entirety follows and provides an explanation of the reason for revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

May 28, 2025

Sharmin Bhathena
Senior Manager, Regulatory Affairs
Cepheid
904 Caribbean Drive
Sunnyvale, CA 94089
Re: Revocation of EUA200035

Dear Sharmin Bhathena:
This letter is in response to the request from Cepheid, in a letter dated May 21, 2025, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the Xpert Xpress SARS-CoV-2 test issued on March 20, 2020, revised and reissued on January 7, 2021, and amended on April 10, 2020, April 28, 2020, August 8, 2020, September 16, 2020, September 23, 2021, and April 26, 2022. Cepheid indicated that all their U.S. customers have transitioned to the Xpert Xpress SARS-CoV-2 *plus* product that was authorized under EUA220187.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Cepheid has requested that FDA revoke the EUA for the Xpert Xpress SARS-CoV-2 test, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA200035 for the Xpert Xpress SARS-CoV-2, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Xpert Xpress SARS-CoV-2 test is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Ellen J. Flannery, J.D.
Deputy Center Director for Policy
Director, Office of Policy
Center for Devices and Radiological Health
Food and Drug Administration

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11822 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–N–1623]

Generic Drug User Fees; Consultation Meetings on Reauthorization of Generic Drug User Fee Amendments for Fiscal Years 2028–2032; Request for Notification of Intention to Participate

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for notification of participation.

SUMMARY: The Food and Drug Administration (FDA or Agency) is issuing this notice to request that interested parties, including patient and consumer advocacy groups, health care professionals, and scientific and academic experts notify FDA of their intent to participate in periodic consultation meetings on the reauthorization of the Generic Drug User Fee Amendments (GDUFA) for Fiscal Years (FYs) 2028–2032. At the end of September 2027, new legislation will be required for FDA to continue collecting

generic drug user fees for subsequent fiscal years for the generic drug program. The Federal Food, Drug, and Cosmetic Act (FD&C Act) requires that FDA consult with a range of interested parties in developing recommendations for the next GDUFA program. The FD&C Act also requires that FDA hold continued discussions with patient and consumer advocacy groups at least monthly during FDA's negotiations with the regulated industry. The purpose of this request for notification is to ensure continuity and progress in these monthly discussions by establishing consistent representation by interested parties.

DATES: Submit notification of intention to participate in these series of meetings by September 4, 2025. Meetings will be held monthly throughout the duration of negotiations with regulated industry, and it is anticipated that they will commence in the Fall of 2025. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: Submit notification of intention to participate in monthly consultation meetings by email to *GDUFAReauthorization@fda.hhs.gov.* The meetings will be held in person at the FDA campus in White Oak, MD: 10903 New Hampshire Ave., Silver Spring, MD 20993 and virtually using the Microsoft Teams platform.

FOR FURTHER INFORMATION CONTACT: Dat Doan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3334, Silver Spring, MD 20993–0002, 240–402–8926, *GDUFAReauthorization@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is requesting that interested parties, including patient and consumer advocacy groups, healthcare professionals, and scientific and academic experts, notify the Agency of their intent to participate in periodic consultation meetings on the reauthorization of GDUFA. GDUFA authorizes FDA to collect user fees from the regulated industry for the current program (GDUFA III). At the end of September 2027, new legislation will be required for FDA to continue collecting user fees for subsequent fiscal years for the generic drug program. Without new legislation, FDA will no longer be able to collect user fees for future fiscal years to fund human generic drug activities. Section 744C(f)(1) (21 U.S.C. 379j–43(f)(1)) of the FD&C Act requires that FDA consult with a range of interested parties in developing recommendations for the next GDUFA program, including representatives from patient and consumer groups, health care professionals, and scientific and academic experts. FDA will initiate this process by holding a public meeting on July 11, 2025, at which interested parties and other members of the public will be given an opportunity to present their views on reauthorization (90 FR 21313, May 19, 2025). Section 744C(f)(3) (21 U.S.C. 379j–43(f)(3)) of the FD&C Act further requires that FDA continue meeting with these interested parties at least once every month during negotiations with the regulated industry to continue discussions of views from interested parties on the reauthorization. It is anticipated that these monthly consultation meetings will commence in the Fall of 2025.

FDA is issuing this **Federal Register** notice to request that interested representatives from patient and consumer advocacy groups, health care professional associations, as well as scientific and academic experts notify FDA of their intent to participate in periodic consultation meetings on GDUFA reauthorization. FDA believes that consistent representation by interested parties at these meetings will be important to ensure progress in these discussions. If you wish to participate in the consultation meetings, please designate one or more representatives from your organization who will commit to attending these meetings and preparing for the discussions, as needed. Interested parties who identify themselves through this notice will be included in all discussions with interested parties during the period that FDA negotiates with the regulated industry. Interested parties who decide to participate in these monthly meetings at a later time may still participate in remaining monthly meetings by notifying FDA (see **ADDRESSES**). These discussions with interested parties will satisfy the periodic consultation requirement in section 744C(f)(3) (21 U.S.C. 379j–43(f)(3)) of the FD&C Act.

II. Notification of Intent To Participate in Periodic Consultation Meetings

If you intend to participate in continued periodic consultation meetings regarding GDUFA reauthorization, please provide notification by email to *GDUFAReauthorization@fda.hhs.gov* by September 4, 2025. Your email should contain complete contact information, including name, title, affiliation, address, email address, phone number, and notice of any special accommodations required because of disability. Interested parties will receive confirmation and additional information about the first periodic consultation meeting after FDA receives this notification. Information concerning GDUFA, including the GDUFA III Commitment Letter, key **Federal Register** documents, GDUFA-related guidances, performance reports, and financial reports may be found on the FDA website at *https://www.fda.gov/gdufa.*

Dated: June 23, 2025.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2025–11769 Filed 6–25–25; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: COVID–19 Provider Relief Fund (PRF) and American Rescue Plan (ARP) Rural Payment Reporting Activities, OMB No. 0906–0068—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than August 25, 2025.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14NWH04, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: COVID–19 Provider Relief Fund (PRF) and American Rescue Plan (ARP) Rural Payment Reporting Activities, OMB No. 0906–0068—Revision.

Abstract: HRSA disbursed the COVID–19 PRF and ARP Rural payments to eligible health care providers to support health care-related expenses or lost revenues attributable to the COVID–19 pandemic. Recipients of PRF and ARP Rural payments agreed to a set of Terms & Conditions (T&Cs), which, among other requirements, mandate compliance with certain reporting requirements that facilitate appropriate oversight of recipients' use of funds. Providers who have attested to the T&Cs regarding their PRF and ARP Rural payment(s), including the requirement that the provider ''shall submit reports as the Secretary determines are needed to ensure compliance with conditions that are imposed on this Payment, and such reports shall be in such form, with such content, as specified by the Secretary in future program instructions directed to all recipients,'' and use the PRF Reporting Portal to submit information about their use of PRF and ARP Rural payments.

There will be no changes to the Data Form Elements submitted by recipients of PRF and ARP Rural payments. The supplemental document ''Post-Payment Notice of Reporting Requirements'' has been updated to reflect the removal of reporting periods 8 and 9 (including the applicable payment received period and period of availability dates), as the Public Health Emergency ended on May 11, 2023.

Need and Proposed Use of the Information: Information collected will allow for (1) assessing whether recipients have met statutory and programmatic requirements, (2) conducting audits, (3) gathering data required to report on findings with respect to the disbursements of PRF and ARP Rural payments, and (4) program evaluation. HRSA staff will also use information collected to identify and report on trends in health care metrics and expenditures before and during the allowable period for expending PRF and ARP Rural payments.

If the information is not collected, HRSA will not meet its responsibility to oversee the mandate regarding reporting requirements that facilitate appropriate oversight of recipients' use of funds. PRF and ARP Rural recipients will not be able to fulfill their statutory reporting requirement. HRSA will also not be able to provide reports to Congress and other stakeholders on the use of more than $178 billion in PRF funds and $8.5 billion in ARP Rural funds.

Likely Respondents: PRF and ARP Rural payment recipients who have received more than $10,000 in aggregate PRF and ARP Rural payments during one of the Payment Received Periods outlined below and agreed to the associated T&Cs are required to submit a report in the PRF Reporting Portal during the applicable Reporting Time Period.

Reporting period	Payment received period (payments exceeding $10,000 in aggregate received)	Reporting time period
Period 1	April 10, 2020, to June 30, 2020	July 1, 2021, to September 30, 2021.
Period 2	July 1, 2020, to December 31, 2020	January 1, 2022, to March 31, 2022.
Period 3	January 1, 2021, to June 30, 2021	July 1, 2022, to September 30, 2022.
Period 4	July 1, 2021, to December 31, 2021	January 1, 2023, to March 31, 2023.
Period 5	January 1, 2022, to June 30, 2022	July 1, 2023, to September 30, 2023.
Period 6	July 1, 2022, to December 31, 2022	January 1, 2024, to March 31, 2024.
Period 7	January 1, 2023, to June 30, 2023	July 1, 2024, to September 30, 2024.

While the standard reporting time periods have ended, there are still scenarios in which these documents are required. These include:

- Providers who receive a Final Repayment Notice, based on a HRSA finding of non-compliance, who submit a Decision Review request and are provided an Opportunity to Report. The Opportunity to Report allows providers another chance to submit a report to come into compliance.
- Adjudicative orders that would require HRSA to allow a Provider an opportunity to report.
- Providers who have prevailed in a dispute or have entered into a settlement with HRSA may need to submit a report on how funds were used.

These scenarios make it necessary to retain and extend approval of the information collection activities associated with required reporting to support compliance, validation, and enforcement actions. Providers would provide documentation through the portal based on the reporting period that they received the funds in question.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
PRF Reporting Portal, Reporting Period 1 (Providers who received payments April 10, 2020, to June 30, 2020)	10	1	10	5.43	54.30
PRF Reporting Portal, Reporting Period 2 (Providers who received payments July 1, 2020, to December 31, 2020)	10	1	10	4.22	42.20
PRF Reporting Portal, Reporting Period 3 (Providers who received payments, January 1, 2021, to June 30, 2021)	10	1	10	5.88	58.80

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
PRF and ARP Rural Reporting Portal, Reporting Period 4 (Providers who received payments July 1, 2021, to December 31, 2021)	10	1	10	5.26	52.60
PRF and ARP Rural Reporting Portal, Reporting Period 5 (Providers who received payments January 1, 2022, to June 30, 2022)	5	1	5	5.18	25.90
PRF and ARP Rural Reporting Portal, Reporting Period 6 (Providers who received payments July 1, 2022, to December 31, 2022)	50	1	50	7.37	368.50
PRF and ARP Rural Reporting Portal, Reporting Period 7 (Providers who received payments January 1, 2023, to June 30, 2023)	5	1	5	5.35	26.75
Total	100		100		629.05

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2025–11746 Filed 6–25–25; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation in Idaho

AGENCY: Indian Health Service, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation in Idaho (Shoshone-Bannock Tribes or Tribe) to include the Idaho counties of Ada, Bear Lake, Blaine, Bonneville, Butte, Canyon, Cassia, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Madison, Minidoka, Oneida, Payette, Teton, Twin Falls, and Washington. The final PRCDA for the Shoshone-Bannock Tribes now includes the Idaho counties of Ada, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Canyon, Caribou, Cassia, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Madison, Minidoka, Oneida, Payette, Power, Teton, Twin Falls, and Washington. The sole purpose of this expansion is to authorize additional Shoshone-Bannock Tribal members and beneficiaries to receive Purchased/Referred Care (PRC) services.

DATES: This expansion is effective as of the date of publication of this notice.

ADDRESSES: This notice can be found at *https://www.federalregister.gov.* Written requests for information should be delivered to: CDR Tracy Sanchez, Acting Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mail Stop 10E85C, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: CDR Tracy Sanchez, Acting Director, Office of Resource Access and Partnerships by email at *Tracy.Sanchez@ihs.gov,* or by phone at (301) 443–3216 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The IHS provides services under regulations in effect as of September 15, 1987, and republished at 42 CFR part 136, subparts A–C. Subpart C defines a Contract Health Service Delivery Area (CHSDA), now referred to as a PRCDA, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the PRCDA. Residence within a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC but only potential eligibility for services. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the relative medical priority of the services to be provided, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The regulations at 42 CFR part 136, subpart C provide that, unless otherwise designated, a PRCDA shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation. 42 CFR 136.22(a)(6). The regulations also provide that after Consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may, from time to time, redesignate areas within the United States for inclusion in or exclusion from a PRCDA. 42 CFR 136.22(b). The regulations require that certain criteria must be considered before any redesignation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any redesignation of a PRCDA be made in accordance with the procedures of the Administrative Procedure Act (5 U.S.C. 553). 42 CFR 136.22(c). In compliance with this requirement, the IHS published a notice of proposed redesignation and requested public comments on December 16, 2024, (89

FR 101608). The IHS did not receive any comments in response to the notice of proposed redesignation.

In support of this expansion, the IHS makes the following findings:

1. By expanding the PRCDA to include Ada, Bear Lake, Blaine, Bonneville, Butte, Canyon, Cassia, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Madison, Minidoka, Oneida, Payette, Teton, Twin Falls, and Washington counties in the State of Idaho, the Shoshone-Bannock Tribe's PRC-eligible population will increase by an estimated 323 Tribal members.

2. The IHS finds that the Tribal members within the proposed, expanded PRCDA are socially and economically affiliated with the Shoshone-Bannock Tribes, based on a statement from the Shoshone-Bannock Tribes that Tribal members who reside in Idaho and receive direct care services from Tribal and Federal health programs located on the Tribes' reservation retain social and economic ties to the Tribes.

3. The expanded PRCDA counties form a contiguous area with the existing PRCDA, and members of the Shoshone-Bannock Tribes reside in each of the counties proposed for inclusion in the expanded PRCDA. Additionally, as noted above, Tribal members who reside in these counties seek direct care services from programs located on the Tribes' reservation. For these reasons, the IHS has determined the additional counties proposed for inclusion herein to be geographically proximate, meaning ''on or near,'' to the Tribes' reservation.

4. The governing body of the Shoshone-Bannock Tribes has indicated that the PRC program can continue providing the same level of care to the PRC-eligible population if the PRCDA is expanded as proposed, without requiring additional funding or reduction of the current medical priority level.

An updated listing of the PRCDAs for all federally recognized Tribes may be accessed via a link on the IHS PRCDA Expansion website (*https://www.ihs.gov/prc/prcda-expansion*).

Public Comments: The IHS did not receive any comments in response to the notice of proposed expansion.

P. Benjamin Smith,

Acting Director, Indian Health Service.

[FR Doc. 2025–11747 Filed 6–25–25; 8:45 am]

BILLING CODE 4166–14–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; Molecular and Cellular Biology of Virus Infection.

Date: July 21, 2025.

Time: 11:00 a.m. to 2:00 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: Syed Mohammad Moin, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–7593, *syed.moin@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Medical Imaging Investigations.

Date: July 24–25, 2025.

Time: 9:00 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: Carlos Jose Perez-Torres, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–0451, *carlos.perez-torres@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–DA–26–024: Engaging Loved ones in Recovery Processes to Enhance Recovery Capital and Outcomes.

Date: July 24, 2025.

Time: 9:00 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: Christiane M. Robbins, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121B, Bethesda, MD 20817, (301) 451–4989, *crobbins@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Research to Address Systemic and Structural Barriers and Facilitators to Improve the HIV Pre-Exposure Prophylaxis (PrEP) Care Continuum for People Who Use Substances.

Date: July 24, 2025.

Time: 9:00 a.m. to 1:30 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: Michael Eric Authement, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, 6707 Democracy Boulevard, Bethesda, MD 20817, (301) 496–2961, *michael.authement@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; K Awards.

Date: July 24–25, 2025.

Time: 9:00 a.m. to 6:30 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: Dan Yu, Ph.D. Scientific Review Officer Office of Scientific Review/DERA National Heart, Lung, and Blood Institute National Institutes of Health, 6705 Rockledge Drive, Room 206–D, Bethesda, MD 20892, (301) 402–1081, *dan.yu@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

Date: July 24–25, 2025.

Time: 9:30 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: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 6188, MSC 7804, Bethesda, MD 20892, 301–435–1267, *belangerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Brain Injury and Neurodegeneration.

Date: July 24–25, 2025.

Time: 9:30 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: Nilkantha Sen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Bethesda,

MD 20892, (301) 496–9223, *nilkantha.sen@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Clinical Vision Research.

Date: July 24, 2025.

Time: 10:00 a.m. to 3:30 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: Barbara S. Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8992, *mallonb@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel RFA Panel; Animal and Biological Material Resource Centers and Resource-Related Research Projects.

Date: July 24, 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: Maryam Rohani, Ph.D., Scientific Review Officier, NIAID, Immunology Review Branch, BG, 5601 Fishers Lane, Room 3G56 5601, Fishers Lane, Rockville, MD 20852, (301) 761–6656, *maryam.rohani@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mentored Patient-Oriented Research Career Development Award.

Date: July 24, 2025.

Time: 11:00 a.m. to 4:00 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: Joshua Park, Ph.D., Scientific Review Officer, SRB Scientific Review Branch, NIA, (National Institute on Aging), 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 443–7613, *joshua.park4@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Population and Public Health Approaches in HIV/AIDS.

Date: July 24, 2025.

Time: 1:30 p.m. to 5:30 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: Michael Eric Authement, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, 6707 Democracy Boulevard, Bethesda, MD 20817, (301) 496–2961, *michael.authement@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 23, 2025.

Sterlyn H Gibson

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11744 Filed 6–25–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Child Health and Human Development Council, September 09, 2025, 09:30 a.m. to September 10, 2025, 05:00 p.m., National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on June 13, 2025, 90 FR 25059.

The following FRN required meeting link attachment. The meeting is partially closed to the public.

Dated: June 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11776 Filed 6–25–25; 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; RFA Panel: RIVER—Revolutionizing Innovative, Visionary Environmental Health Research and EPCOT—Epitranscriptomics Crosstalks and Toxicants.

Date: July 22–23, 2025.

Time: 9:00 a.m. to 6:30 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: Murali Ganesan, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, *murali.ganesan@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mentored, Career Transition, and Mid-Career K Awards.

Date: July 22–23, 2025.

Time: 9:00 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: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Officer, Scientific Review Branch, Extramural Program, NIAMS, 6701 Democracy Blvd., Rm. 820, Bethesda, MD 30892, 301–827–7835, *yasuko.furumoto@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Maximizing Investigators' Research Award Review.

Date: July 22–23, 2025.

Time: 9:00 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: Anita Szajek, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6701 Rockledge Drive, Room 2131D, Bethesda, MD 20892, *anita.szajek@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: The Cancer Drug Development and Therapeutics (CDDT).

Date: July 22–23, 2025.

Time: 9:00 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: Viktoriya Sidorenko, Ph.D., Health Science Administrator, Program & Review Extramural Staff Training Office, Division of Extramural Activities, 9609 Medical Center Drive, Room 7W526, National Cancer Institute, NIH, Rockville, MD 20850, (240) 276–5073, *viktoriya.sidorenko@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special

topics in Psychosocial Risk and Interpersonal Processes of Health.

Date: July 22, 2025.

Time: 9:00 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: Rochelle Francine Hentges, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000C, Bethesda, MD 20892, (301) 402–8720, *hentgesrf@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Investigator Initiated Program Project Applications.

Date: July 22–23, 2025.

Time: 9:30 a.m. to 5:00 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: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Medical Scientist Training Program, National Research Service Award, and Basic Biomedical Program (T32).

Date: July 22–23, 2025.

Time: 9:30 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: Sonia Ivette Ortiz-Miranda, Ph.D., National Institute of General Medical Sciences, National Institutes of Health, Bethesda, MD 20892, (301) 594–0534, *sonia.ortiz-miranda@nih.gov*.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; HIV/AIDS Intra- and Inter-Personal Determinants and Behavioral Interventions Study Section.

Date: July 22–23, 2025.

Time: 9:30 a.m. to 5:30 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: Joann Wu Shortt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–7375, *shorttjw@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Bioanalytical, Molecular, Cellular Sciences and Technologies.

Date: July 22–23, 2025.

Time: 9:30 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: Khalida Shamim, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, *khalida.shamim@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HG–25–005: Enhancing Reuse of NHGRI Data Assets R03.

Date: July 22, 2025.

Time: 9:45 a.m. to 3:30 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: Yoon-Young Jang, Ph.D., MD, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, Bethesda, MD 20892, (301) 451–3397, *yoon-young.jang@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrine and Metabolic Systems.

Date: July 22–23, 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: Elena Sanovich, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes Of Health, 6707 Democracy Blvd., Room 7351, Bethesda, Md 20892, (301) 594–8886, *sanoviche@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Services and Systems-Clinical Data, Informatics, and Digital Health.

Date: July 22, 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: Ivan K. Navarro, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, NIH, Gateway Building, 7201 Wisconsin Ave., Ste. 533, MSC 5465, Bethesda, MD 20892, 301–827–2061, *ivan.navarro@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of COBRE 1 Grant Applications.

Date: July 22–23, 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: John J. Laffan, Ph.D., Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, *laffanjo@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Education/Training Experience Program.

Date: July 22, 2025.

Time: 10:00 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: Anita T. Tandle, Ph.D., Scientific Review Officer, Division of Extramural Activities Scientific Review Branch, National Institute on Aging, NIH, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (240) 204–0329, *tandlea@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships and Mentored Training: Kidney, Urology, and Related Disciplines.

Date: July 22–23, 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: Ryan G Morris, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training in General Medical Sciences.

Date: July 22–23, 2025.

Time: 10:00 a.m. to 6:30 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: Priya Srinivasan, Ph.D., Scientific Review Officer, Resource and Training Review Branch Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W604, Rockville, MD 20850, (240) 276–6459, *priya.srinivasan@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Targeting Inflammasomes in HIV and Substance Use.

Date: July 22, 2025.

Time: 10:00 a.m. to 5:00 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: Kristina S Wickham, Ph.D., Scientific Review Officer, NIAID/DEA/

SRP, Bldg. 5601fl Room 3g22b, 5601 Fishers Ln., Rockville, MD 20852, 301–761–5390, *kristina.wickham@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Hematological Sciences.

Date: July 22, 2025.

Time: 11:00 a.m. to 5:00 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: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, (301) 435–0912, *malindakm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–24–129; PAR–25–273: Specific Pathogen Free Macaque Colonies and Development of Animal Models and Related Biological Materials.

Date: July 22, 2025.

Time: 1:00 p.m. to 4:30 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: Zhuqing Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room # 3G41B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5068, *zhuqing.li@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 24, 2025.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2025–11775 Filed 6–25–25; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2025–0024]

Homeland Security Advisory Council; Notice of Meeting

AGENCY: Office of Partnership and Engagement, Department of Homeland Security.

ACTION: Notice of meeting date change.

SUMMARY: Notice is given that the June 30, 2025 meeting that was published in the **Federal Register** on June 16, 2025, [Docket No. DHS–2025–0024; pages 25349–25350], will now be held on July 2, 2025.

DATES: The meeting will be held Wednesday, July 2, 2025, from 1 p.m. to 4 p.m. Eastern Daylight Time. *Meeting Registration:* Registration to attend the meeting is required and must be received via email no later than 5 p.m. Eastern Daylight Time on Monday, June 30, 2025. All other meeting details remain unchanged. This meeting will be held via live steam.

FOR FURTHER INFORMATION CONTACT: Alexander Jacobs, Alternate Designated Federal Officer, Homeland Security Advisory Council at (202) 269–2419 or *HSAC@hq.dhs.gov.*

DATED: June 23, 2025.

Alexander L. Jacobs,

Alternate Designated Federal Officer, Homeland Security Advisory Council, Department of Homeland Security.

[FR Doc. 2025–11757 Filed 6–25–25; 8:45 am]

BILLING CODE 9112–FN–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6521–N–01]

Elimination of Green and Energy Efficient Mortgage Insurance Premium Rate Category Applicable to Section 232 Mortgages

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On May 19, 2022, HUD proposed MIP reductions to achieve green and energy-efficiency buildings for FHA-insured loans on properties under specific Office of Healthcare insurance programs (the 2022 notice). This notice eliminates the Green and Energy Efficient MIP category for Healthcare Facilities, and all projects will be subject to the rate that had been previously established through **Federal Register** notice for such FHA-insured loans.

DATES: The elimination of the Green and Energy Efficient MIP category for Healthcare Facilities will be effective for applications received by HUD on or after August 25, 2025.

FOR FURTHER INFORMATION CONTACT: John Hartung, Director, Policy, Risk Analysis and Lender Relations Division, Office of Residential Care Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 1222 Spruce Street, St. Louis, MO 63103–2836; telephone: 314–418–5238 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 203(c)(1) of the National Housing Act (the Act) authorizes the Secretary to set the premium charge for insurance of mortgages under the various programs in title II of the Act. The range within which the Secretary may set such charges must be between one-fourth of one percent per annum and one percent per annum of the amount of the principal obligation of the mortgage outstanding at any time. (see 12 U.S.C. 1709(c)(1)).

On May 19, 2022, HUD published a notice in the **Federal Register** proposing that FHA-insured loans on properties under specific Office of Healthcare insurance programs would receive a reduced MIP to be known as a ''Green and Energy Efficient'' MIP if they met specified energy and water usage reduction requirements (87 FR 30510). The 2022 notice encompassed not only new construction and substantial rehabilitation loans but also specified purchase, refinance, and supplemental loans pursuant to Section 232. The 2022 notice stated that the additional category of premium would ''promote the President's climate change initiatives.'' On August 18, 2022, HUD published Mortgagee Letter 2022–13, finalizing the proposed MIP and providing further guidance.

On January 20, 2025, President Trump signed Executive Order 14154 titled ''Unleashing American Energy,'' which shifts agency priorities away from policies that promote green and energy efficient goals.

II. This Notice

In response to Executive Order 14154 (Unleashing American Energy), to increase efficiency, and to ensure financial stability of the FHA insurance fund, the reduced MIP rates for FHA-insured loans on properties under the specified Office of Healthcare insurance programs announced in the 2022 notice are hereby eliminated.

HUD does acknowledge that in 2022 the Department articulated various policy reasons for offering borrowers on some Section 232 new transactions the opportunity to obtain a reduced MIP by

meeting criteria that included specified energy and water usage reductions. HUD concluded that, overall, the initiative would ''result in projects with greater energy and water efficiency, reduced operating costs, improved indoor air quality and resident comfort, and reduced overall impact on the environment.''

HUD is no longer persuaded by this rationale. While the very substantial MIP reduction may entice some borrowers to choose materials and systems that are slightly more energy/water efficient than they otherwise might choose, the substantial MIP revenue savings to the borrower (and revenue sacrificed by HUD) is often inordinately disproportionate to the borrower's marginal cost in selecting such options. Further, to the extent, if any, that an energy or water efficient selection may enhance indoor air quality and resident comfort, the residential care facility industry's highly competitive market forces would be expected to incentivize such choices.

As this Notice is published, some submitted Section 232 applications requesting the reduced Green MIP rate may be in the queue or in processing. Although, in light of this Notice, the Department would not be required to process those applications using the reduced MIP rate, we intend to do so where the application meets program requirements. Moreover, HUD recognizes that over many months some lenders and prospective borrowers may already have invested resources in Green MIP applications yet to be submitted. To accommodate this circumstance to a reasonable degree while balancing the need to implement this change, we are making this change effective only as to applications received on or after August 25, 2025.

With this elimination of the Green MIP initiative, the rates for all Healthcare programs, remain as published in 2022 and as had earlier been published in by Notice on March 31, 2016. Those rates are set forth below.

FHA Office of Health Care Facilities Insurance Premiums by Rate & Category

Category	Current upfront capitalized MIP* basis points	Proposed upfront capitalized MIP* basis points	Current annual MIP basis points	Proposed annual MIP basis points
Section 232 Healthcare Facilities (SNF, ALF, B&C):				
232 NC/SR Healthcare Facilities w/o LIHTC	77	77	77	77
232 NC/SR—Assisted Living Facilities with LIHTC	45	45	45	45
232/223(f) Refi for Healthcare Facilities w/o LIHTC	100	100	65	65
232/223(f) Refi for Healthcare Facilities with LIHTC	100	100	45	45
232/223(a)(7) Refi of Healthcare Facilities w/o LIHTC	50	50	55	55
232/223(a)(7) Refi of Healthcare Facilities with LIHTC	50	50	45	45
223(d) Operating Loss Loan for Healthcare Facilities	95	95	95	95
241(a) Supp. Loan for Healthcare Facilities w/o LIHTC	72	72	72	72
241(a) Supp. Loan for Healthcare Facilities with LIHTC	45	45	45	45
223(i) Fire Safety Equipment Loan	100	100	100	100
Green and Energy Efficient MIP Initiative (all applicable 232 Programs).	25	Eliminated	25	Eliminated
Section 242 FHA Hospital Insurance Program:				
242 Hospitals	70	70	70	70
223(a)(7) Refinance of Existing FHA-Insured Hospital	50	50	55	55
223(f) Refinance or Purchase of Existing Non-FHA-Insured Hospital.	100	100	65	65
241(a) Supplemental Loans for Hospitals	65	65	65	65

**MIP premiums are separate and apart from (and in addition to) the application fees.*

III. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of NEPA (42 U.S.C. 4332(2)(C).

Frank Cassidy,

Principal Deputy Assistant Secretary for Housing.

[FR Doc. 2025–11808 Filed 6–25–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6522–N–01]

Proposed Changes in Mortgage Insurance Premiums Applicable to FHA Multifamily Insurance Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On March 31, 2016, HUD published a notice reducing mortgage insurance premiums (MIPs) for qualifying loans under three newly established MIP rate categories: *Green and Energy Efficient Housing, Affordable Housing,* and *Broadly Affordable Housing.* On January 20, 2025, President Trump signed a presidential memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis'', which directed agencies to deliver price relief to the American people, as well as an Executive Order on Unleashing American Energy. To meet these goals, this notice proposes to reduce MIPs to 0.25% for all FHA Multifamily Insurance Programs. This notice further proposes to eliminate the MIP categories established in 2016, which are misaligned with the presidential memoranda and would become economically obsolete.

DATES: *Comment Due Date:* July 28, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. All submissions must refer to the above docket number and title.

There are two methods for submitting public comments:

1. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *https://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the author maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *https://www.regulations.gov* website can be viewed by other submitters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

2. Submission of Comments by Mail. Members of the public may submit comments by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at all federal agencies, however, submission of comments by standard mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by standard mail be submitted at least two weeks in advance of the deadline. HUD will make all comments received by mail available to the public at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Margaret Lawrence, Deputy Director, Office of Multifamily Production, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone: 202–402–2921 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 203(c)(1) of the National Housing Act (the Act) authorizes the Secretary to set the premium charge for insurance of mortgages under the various programs in title II of the Act. The range within which the Secretary may set such charges must be between one-fourth of one percent per annum and one percent per annum of the amount of the principal obligation of the mortgage outstanding at any time. (see 12 U.S.C. 1709(c)(1)). HUD's Multifamily Housing Mortgage Insurance regulation at 24 CFR 207.254 provides that HUD must publish a notice of future premium changes in the **Federal Register** and provide a 30-day public comment period for the purpose of accepting comments on whether the proposed changes are appropriate.

Overall MIP Rates

On January 20, 2025, President Trump signed a presidential memorandum titled, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-Of-Living Crisis''. This presidential memorandum orders the heads of all executive departments and agencies to deliver emergency price relief to the American people, including by pursuing appropriate actions to lower the cost of housing and expand housing supply.

The 2016 notice represents the most recent previous changes in FHA MIP and rate categories.

MIP Rate Categories

On January 28, 2016, HUD published a notice in the **Federal Register** announcing proposed MIP changes for certain FHA Multifamily Housing Insurance programs to promote Green and Energy Efficient Housing (81 FR 4926). On March 31, 2016, HUD published a final notice in the **Federal Register** reducing MIPs for FHA qualifying Multifamily Housing Insurance programs (81 FR 18473) and created a new Green/Energy Efficient Housing category. On January 20, 2025, President Trump signed Executive Order 14154 titled ''Unleashing American Energy,'' which shifts agency priorities away from policies that promote green and energy efficient goals.

The 2016 notice also created two additional MIP rate categories of *Affordable Housing* and *Broadly Affordable Housing,* each with reduced MIP rates. However, the MIP rates for market rate housing were explicitly left unchanged in the 2016 notice. On January 20, 2025, President Trump signed a presidential memorandum titled, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-Of-Living Crisis'', which orders broad cost relief for housing.

II. This Notice

Overall MIP Rates

In response to current market conditions, to lower the financing cost, and to expand the supply of rental housing, HUD is proposing to reduce MIP rates to 0.25% for all multifamily housing programs. MIP rate changes may be applied to FHA multifamily mortgage insurance applications submitted or amended on or after the effective date of a notice announcing the new MIP rates, so long as the loan has not been initially endorsed.

The proposed across-the-board MIP reductions are necessitated by a sharp rise in construction costs and mortgage interest rates since 2021. Market rate property MIPs were explicitly unchanged in 2016 and remain cost prohibitive. HUD data shows that from March 2024 to March 2025, only 4% of Section 221(d)(4) and 223(f) loan closings were for market rate properties without green or affordable incentive qualification, suggesting severe underutilization due to high cost. HUD proposes to expand the MIP cost-saving benefits to all property types, to immediately lower financing costs and stimulate rental housing development.

In conjunction with this proposal, HUD has completed an impact analysis to the FHA insurance fund, which showed acceptable results. HUD's robust risk-based underwriting process and very low loan insurance claim rates support the proposed expansion of reduced MIP rates.

HUD is soliciting comment on the revisions to these overall MIP rates.

Summary Table of FHA Multifamily Mortgage Insurance Premiums By Section of National Housing Act

FHA Multifamily Mortgage Insurance Program	Current upfront capitalized MIP * (basis points)	Proposed upfront capitalized MIP * (basis points)	Current annual MIP (basis points)	Proposed annual MIP (basis points)
Section of National Housing Act:				
207 Multifamily New Constr/Sub Rehab w/o LIHTC	70	25	70	25.

FHA Multifamily Mortgage Insurance Program	Current upfront capitalized MIP * (basis points)	Proposed upfront capitalized MIP * (basis points)	Current annual MIP (basis points)	Proposed annual MIP (basis points)
207 Manufactured Home Parks w/o LIHTC	70	25	70	25.
221(d)(4) New Constr/Sub Rehab w/o LIHTC	65	25	65	25.
220 Urban Renewal Housing w/o LIHTC	70	25	70	25.
213 Cooperative	70	25	70	25.
207/223(f) Refi or Purchase for Apts. w/o LIHTC	100	25	60	25.
223(a)(7) Refi of Apts. w/o LIHTC	50	25	50	25.
231 Elderly Housing w/o LIHTC	70	25	70	25.
241(a) Supplemental Loans for Apts. coop w/o LIHTC	95	25	95	25.
Section 542(b) Risk-Sharing **	25	25	25	25.
Section 542(c) Risk-Sharing **	25	25	25	25.
BROADLY AFFORDABLE HOUSING, All Sections of National Housing Act	25	Eliminated	25	Eliminated.
AFFORDABLE: INCLUSIONARY VOUCHERS, All Sections of National Housing Act.	35	Eliminated	35	Eliminated.
GREEN/ENERGY EFFICIENT HOUSING, All Sections of National Housing Act.	25	Eliminated	25	Eliminated.

Table Footnotes:

* Upfront premiums for multifamily refinancing programs are capitalized and based on the first year's annual MIP for the applicable rate category. Upfront premiums for multifamily new construction and substantial rehabilitation programs insuring advances are capitalized and based on the annual MIP for the applicable rate category for the entire construction period, rounded up to the nearest whole year.

** All loans originated by Housing Finance Agencies under FHA's Section 542(c) Risk-Sharing program, and by Qualified Participating Entities including Fannie Mae and Freddie Mac under FHA's Section 542(b) Risk-Sharing program, will continue to have a 25 basis point MIP rate, multiplied by the percentage risk assumed by FHA as shown in table below:

Program	FHA percent of risk share	Upfront capitalized MIP basis points (bps)	Annual MIP basis points (bps)
542(b)	50	12.5 (25 bps × 50 percent)	12.5 (25 bps × 50 percent).
542(c)	50	12.5 (25 bps × 50 percent)	12.5 (25 bps × 50 percent).
	75	18.75 (25 bps × 75 percent)	18.75 (25 bps × 75 percent).
	90	22.5 (25 bps × 90 percent)	22.5 (25 bps × 90 percent).

MIP Rate Categories

This notice announces that HUD proposes to eliminate the *Green and Energy Efficient Housing, Affordable,* and *Broadly Affordable* MIP rate categories on the effective date of a notice announcing the new MIP rates, as discussed above. Under this proposed notice, these MIP categories become economically obsolete, because MIP rates are uniformly proposed at 0.25%.

HUD has reconsidered its 2016 position of specifying MIP rates across four categories and 11 loan programs, resulting in 35 individual MIP rates. HUD's current position is that this approach is overly complicated and burdens decision making for borrowers and lenders. An across-the-board MIP rate significantly simplifies cost-benefit analysis considerations used by owners, developers, and lenders.

HUD is aware that differing MIP rates among multifamily programs may contribute to utilization imbalances and underserved rental housing segments. From March 2024 to March 2025, 96% of loan closings under Section 221(d)(4) and 223(f) utilized one of these reduced MIP incentive categories. Only 4% of loan closings were for market rate properties without green or affordable incentive qualification. HUD seeks to rebalance loan program utilization, currently skewed by the 2016 incentive categories, to benefit all rental housing segments.

Elimination of these three MIP categories will also eliminate their respective specialized requirements as outlined in the 2016 Rules. The overlay requirements pertaining to the 5% loan fee limitations for the *Green and Energy Efficient Housing* and *Broadly Affordable* categories are eliminated and standard HUD program handbook requirements apply to new loan fees, primarily the Multifamily Accelerated Processing Guide (''MAP Guide'', HUD Handbook 4430.G). Additionally, for all loans closed under a *Green and Energy Efficient Housing* MIP rate, the requirements to evidence the initial green building achievement and the annual reporting of energy performance are fully eliminated. Overall, these requirements were burdensome and resulted in higher overall development costs, which is inconsistent with presidential memoranda and reduces new construction feasibility.

III. Environmental Review

This notice involves the establishment of rate or cost determinations and related external administrative requirements that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Frank Cassidy,

Principal Deputy Assistant Secretary for Housing.

[FR Doc. 2025–11814 Filed 6–25–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7104–N–10; OMB Control No.: 2577–0301]

60-Day Notice of Proposed Information Collection: Capital Fund High Risk/ Receivership/Substandard/Troubled Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development (HUD) is

seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed post-award collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: August 25, 2025.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Dawn Martin, Program Analyst, Department of Housing and Urban Development, 451 7th Street SW, Room 3180, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Dawn Martin, Program Analyst, Department of Housing and Urban Development, 451 7th Street SW, Room 3180, Washington, DC 20410; email *PIH-PRAPublicComments@hud.gov;* telephone number (202) 402–6488. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relays-service-trs.* Copies of available documents submitted to OMB may be obtained from Ms. Martin.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Capital Fund High Risk/Receivership/Substandard/Troubled Program.

OMB Approval Number: 2577–0301.

Type of Request: Post-award information collection.

Description of the need for the information and proposed use: This supporting statement renews the post-award information collection for competitive awards under the Capital Fund Program. Post-award information includes annual financial and performance reporting, audits, and award closeout. Reporting also includes compliance with the Award Term in Appendix A of 2 CFR part 170. Grantees must also adhere to the application submission requirements in the NOFO, including implementing the project proposed with the application, including how use of funding will improve the targeted Asset Management Property (AMP). Further, grantees are required to maintain eligibility for the life of the award, including all program-specific threshold eligibility requirements.

The pre-award information collection for the Capital Fund Program is removed from this control number and may be moved to OMB Control Number 2501–0044.

The Capital Fund Program provides funding for costs associated with public housing asset improvement to Public Housing Agencies (PHAs) that are either in receivership, designated troubled or substandard, or otherwise deemed high risk. Funding is focused on improving public housing asset management property performance in two core areas: Physical Condition and Occupancy.

Physical Condition: Improve the physical condition of public housing. Successful applicants must demonstrate a comprehensive strategy on how the funds will provide residents with access to safe, accessible, and decent public housing through improved public housing assets.

Management: Increase occupancy and reduce long-term vacancies through capital investment and affirmative marketing.

Information collection	Number of respondents	Frequency of response per respondents	Total annual responses	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Annual SF–425, project performance and other annual reporting	5	4	20	1	5	$51.60	$258
Closeout and Final Narrative	5	1	5	2	10	51.60	516
Record Retention	5	4	20	5	5	51.60	258
Totals	15		45		20		1,032

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Laura Kunkel,

Acting Director, Office of Policy, Program, & Legislative Initiatives.

[FR Doc. 2025–11840 Filed 6–25–25; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2025–N017; FXES11130200000–256–FF02ENEH00]

Endangered Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct scientific research to promote conservation or other activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by July 28, 2025.

ADDRESSES: *Document availability:* Request documents from the contact in the **FOR FURTHER INFORMATION CONTACT** section.

Comment submission: Submit comments by email to *fw2_te_permits@fws.gov*. Please specify the permit application you are interested in by number (*e.g.,* Permit Record No. PER1234567).

FOR FURTHER INFORMATION CONTACT: Katie Boyer, Acting Supervisor, Environmental Review Division, by phone at 505–621–9058, or via email at *katie_boyer@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

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER15016299 ...	University of Texas El Paso; El Paso, Texas.	Rio Grande silvery minnow (*Hybognathus amarus*).	Texas	Capture, handle	Harass, harm, capture.	New.
PER18562155 ...	Environmental Consultants of Habitats and Organisms, LLC.; Tahlequah, Oklahoma.	Gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and Ozark big-eared bat (*Corynorhinus (=Plecotus) townsendii ingens*).	Arkansas, Oklahoma, Texas.	Presence/absence surveys, bio-sample, handle.	Harass, harm, trap, capture.	Renew/amend.
PER18338895 ...	Nowak, Erika; Flagstaff, Arizona.	Razorback sucker (*Xyrauchen texanus*), Colorado pikeminnow (*Ptychocheilus lucius*), spikedace (*Meda fulgida*), and loach minnow (*Tiaroga cobitis*).	Arizona, New Mexico.	Presence/absence surveys, handle, bio-monitor, salvage, translocate.	Harass, harm, trap, capture.	Renew/amend.
PER11343588 ...	University of Nevada Las Vegas; Las Vegas, Nevada.	Sentry milk-vetch (*Astragalus cremnophylax var. cremnophylax*).	Arizona	Collect, repatriate ...	Collect	New.
PER20066327 ...	Parnell Engineering; Cedar Park, Texas.	Ocelot (*Leopardus (=Felis) pardalis*) and golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	New.
PER11111430 ...	Walkup, Danielle; College Station, Texas.	Dunes sagebrush lizard (*Sceloporus arenicolus*)	Texas	Presence/absence surveys, pitfall trapping.	Harass, harm, trap, capture.	New.
PER12293920 ...	Gabler Lab at UTRGV; Brownsville, Texas.	South Texas ambrosia (*Ambrosia cheiranthifolia*), prostrate milkweed (*Asclepias prostrata*), star cactus (*Astrophytum asterias*), Texas ayenia (*Ayenia limitaris*), Zapata bladderpod (*Physaria thamnophila*), ashy dogweed (*Thymophylla tephroleuca*), and Walker's manioc (*Manihot walkerae*).	Texas	Collect, propagate, repatriate.	Collect	New.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER17693699 ...	Arizona Center for Nature Conservation; Phoenix, Arizona.	Black-footed ferret (*Mustela nigripes*), Mount Graham red squirrel (*Tamiasciurus fremonti grahamensis*), California condor (*Gymnogyps californianus*), three forks springsnail (*Pyrgulopsis trivialis*), Mexican wolf (*Canis lupus baileyi*), thick-billed parrot (*Rhynchopsitta pachyrhyncha*), Gila topminnow (*Poeciliopsis occidentalis*), and desert pupfish (*Cyprinodon macularius*).	Arizona	Educational display, captively propagate, husbandry, capture, handle, rehabilitate.	Harass, harm, trap, capture, collect.	Renew/ amend.
PER12087672 ...	Freese and Nichols, Inc.; Austin, Texas.	Texas hornshell (*Popenaias popeii*), Guadalupe fatmucket (*Lampsilis bergmanni*), Guadalupe orb (*Cyclonaias necki*), Texas pimpleback (*Cyclonaias petrina*), false spike (*Fusconaia mitchelli*), Texas fatmucket (*Lampsilis bracteate*), Texas fawnsfoot (*Truncilla macrodon*), and Balcones spike (*Fusconaia iheringi*).	Texas	Presence/absence surveys, capture, handle, tag, translocate.	Harass, harm, trap, capture.	New.
PER19886034 ...	Whitney, James; Pittsburg, Kansas.	Spikedace (*Meda fulgidaa*) and loach minnow (*Tiaroga cobitis*).	Arizona, New Mexico.	Presence/absence surveys, monitor, capture, handle.	Harass, harm, capture.	New.
PER20066681 ...	Bureau of Land Management—Farmington; Farmington, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*), Jemez Mountains salamander (*Plethodon neomexicanus*), Dunes sagebrush lizard (*Sceloporus arenicolus*).	New Mexico	Presence/absence surveys.	Harass, harm ...	New.
PER14405921 ...	Transition Zone Horticultural Institute Inc.; Flagstaff, Arizona.	Peebles Navajo cactus (*Pediocactus peeblesianus ssp. peeblesianus*), Holy Ghost ipomopsis (*Ipomopsis sancti-spiritus*), Todsen's pennyroyal (*Hedeoma todsenii*), Arizona Cliffrose (*Purshia (=Cowania) subintegra*), autumn buttercup (*Ranunculus aestivalis (=acriformis)*), Brady pincushion cactus (*Pediocactus bradyi*), sentry milk-vetch (*Astragalus cremnophylax var. cremnophylax*), and Wright fishhook cactus (*Sclerocactus wrightiae*).	Arizona, New Mexico, Utah.	Collect	Collect	Renew.
PER20067105 ...	Texas Parks and Wildlife Department; Austin, Texas.	All federally listed plant and wildlife species occurring within Texas.	Texas	All activities in furtherance of the Texas Parks and Wildlife Department's mission to conserve endangered wildlife and plants and the ecosystems upon which they depend.	Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect.	Renew/ amend.
PER14922372 ...	Bandelier National Monument; Los Alamos, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	New Mexico	Presence/absence surveys.	Harass, harm ...	Amend.
PER14400664 ...	Trent, Ricky; Norman, Oklahoma.	Northern long-eared bat (*Myotis septentrionalis*), Indiana bat (*Myotis sodalis*), and gray bat (*Myotis grisescens*).	Oklahoma	Presence/absence surveys, capture, handle.	Harass, harm, capture, trap.	New.
PER14681614 ...	U.S. Forest Service, Apache-Sitgreaves National Forest; Springerville, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona	Presence/absence surveys.	Harass, harm ...	Amend.
PER17693181 ...	Wolsiefer, Alec; Denver, Colorado.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, California, Colorado, New Mexico, Nevada, Utah.	Presence/absence surveys.	Harass, harm ...	Amend.
PER14914423 ...	Acevedo, Cody; Round Rock, Texas.	Dunes sagebrush lizard (*Sceloporus arenicolus*)	Texas	Presence/absence surveys.	Harass, harm ...	New.
PER16173314 ...	Putnam, Stephanie; Austin, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	Renew.
PER14724803 ...	Arroyo-Torres, Irvin; Rio Rancho, New Mexico.	Gila topminnow (*Poeciliopsis occidentalis*), loach minnow (*Tiaroga cobitis*), and spikedace (*Meda fulgida*).	Arizona, New Mexico.	Capture, handle	Harass, harm, capture, trap.	New.
PER17693180 ...	Hoeinghaus, David; Denton, Texas.	Smalleye Shiner (*Notropis buccula*) and Sharpnose Shiner (*Notropis oxyrhynchus*).	Texas	Capture, handle, tag.	Harass, harm, capture.	New.
PER15015263 ...	Lassiter, Timothy; Boerne, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	Renew.
PER19283323 ...	Audubon Arizona; Phoenix, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, New Mexico.	Presence/absence surveys.	Harass, harm ...	Renew/ amend.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER15530641 ...	Whitenton Group, Inc.; San Marcos, Texas.	Gulf Coast jaguarundi (*Puma yagouaroundi cacomitli*), ocelot (*Leopardus (=Felis) pardalis*), northern aplomado falcon (*Falco femoralis septentrionalis*), Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*), Texas blind salamander (*Eurycea rathbuni*), Houston toad (*Bufo houstonensis*), and fountain darter (*Etheostoma fonticola*).	Texas	Presence/absence surveys, harry, herd, capture, handle, voucher specimens.	Harass, harm, capture, trap, kill.	Renew.
PER15617375 ...	Coyle, Julia; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	New.
PER16261670 ...	Christman, Bruce; Silver City, New Mexico.	Jemez Mountains salamander (*Plethodon neomexicanus*).	New Mexico	Presence/absence surveys, capture, handle, bio-sample.	Harass, harm, capture, wound.	Renew/amend.
PER17693139 ...	Randklev, Charles; Dallas, Texas.	False spike (*Fusconaia mitchelli*), Guadalupe fatmucket (*Lampsilis bergmanni*), Guadalupe orb (*Cyclonaias necki*), Ouachita rock pocketbook (*Arcidens wheeleri*), Texas fatmucket (*Lampsilis bracteata*), Texas pimpleback (*Cyclonaias petrina*), and Balcones spike (*Fusconaia iheringi*).	Arkansas, Oklahoma, Texas.	Presence/absence surveys, mark-recapture surveys, tag, capture, handle.	Harass, harm, capture.	Amend.
PER18704025 ...	USGS—Idaho Cooperative Fish & Wildlife Research Unit; Moscow, Idaho.	Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), and California Ridgway's rail (*Rallus obsoletus obsoletus*).	Arizona, California, Nevada.	Presence/absence surveys, capture, handle, band, tag, bio-sample, collect feathers, collect egg shells, collect non-viable eggs, monitor.	Harass, harm, capture.	Renew/amend.
PER17548500 ...	Gillespie, Kyle; San Antonio, Texas.	Helotes mold beetle (*Batrisodes venyivi*), Coffin Cave mold beetle (*Batrisodes texanus*), Robber Baron Cave meshweaver (*Cicurina baronia*), Madla Cave meshweaver (*Cicurina madla*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), beetle (*Rhadine exilis*), beetle (*Rhadine infernalis*), Tooth Cave ground beetle (*Rhadine Persephone*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), Government Canyon Bat Cave spider (*Tayshaneta microps*), Tooth Cave spider (*Tayshaneta myopica*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), Cokendolpher cave harvestman (*Texella cokendolpheri*), Bee Creek Cave harvestman (*Texella reddelli*), and Bone Cave harvestman (*Texella reyesi*).	Texas	Presence/absence surveys.	Harass, harm ...	New.
PER17795681 ...	Bell, Leslie; Austin, Texas.	Helotes mold beetle (*Batrisodes venyivi*), Coffin Cave mold beetle (*Batrisodes texanus*), Robber Baron Cave meshweaver (*Cicurina baronia*), Madla Cave meshweaver (*Cicurina madla*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), beetle (*Rhadine exilis*), beetle (*Rhadine infernalis*), Tooth Cave ground beetle (*Rhadine Persephone*), Tooth Cave pseudoscorpion (*Tartarocreagris texana*), Government Canyon Bat Cave spider (*Tayshaneta microps*), Tooth Cave spider (*Tayshaneta myopica*), Kretschmarr Cave mold beetle (*Texamaurops reddelli*), Cokendolpher cave harvestman (*Texella cokendolpheri*), Bee Creek Cave harvestman (*Texella reddelli*), Bone Cave harvestman (*Texella reyesi*), Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*), Texas blind salamander (*Eurycea rathbuni*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), and Peck's cave amphipod (*Stygobromus (=Stygonectes) pecki*).	Texas	Presence/absence surveys, collection, voucher specimens.	Harass, harm, collect, kill.	Renew/amend.
PER17693138 ...	Clarke, Kasey; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	New.
PER17791178 ...	Pueblo of Santa Ana; Santa Ana Pueblo, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	New Mexico	Presence/absence surveys, nest monitoring.	Harass, harm ...	Renew/amend.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER19973999 ...	Grand Canyon National Park; Flagstaff, Arizona.	California condor (*Gymnogyps californianus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), razorback sucker (*Xyrauchen texanus),* Colorado pikeminnow (*Ptychocheilus lucius*), and sentry milk-vetch (*Astragalus cremnophylax var. cremnophylax*).	Arizona	Haze, collect feathers, presence/absence surveys, nest monitoring, capture, handle, bio-sample, collect, voucher specimens, translocate, re-introduction, transport, monitor.	Harass, harm, capture, collect, wound.	Renew/ amend.
PER18519208 ...	Texas A&M University—Galveston; Galveston, Texas.	Kemp's ridley sea turtle (*Lepidochelys kempii*), green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), hawksbill sea turtle (*Eretmochelys imbricata*), and leatherback sea turtle (*Dermochelys coriacea*).	Texas	Collect, capture, handle, remove from the wild, rehabilitate, release to the wild, educational display, tag, bio-sample, transport, nest detection, collect eggs.	Harass, harm, capture.	Renew.
PER19285096 ...	Chambers, Carol; Flagstaff, Arizona.	New Mexico meadow jumping mouse (*Zapus hudsonius luteus*).	Arizona, Colorado, New Mexico.	Presence/absence surveys, capture, handle, track plating, tag, bio-sample, translocate.	Harass, harm, capture.	Renew.
PER19451257 ...	Moczygemba, Kevin; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys.	Harass, harm ...	Renew.
PER19448652 ...	Ecosphere Environmental Services; Durango, Colorado.	Black-footed ferret (*Mustela nigripes*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Jemez Mountains salamander (*Plethodon neomexicanus*).	Arizona, Colorado, New Mexico, Texas, Utah.	Spotlight surveys, presence/absence surveys, nest monitoring, capture, handle, bio-sample.	Harass, harm, capture.	Renew.
PER20171321 ...	U.S. Fish and Wildlife Service, Region 2.	All federally listed plant and wildlife species occurring within the Southwest Region.	Arizona, New Mexico, Oklahoma, Texas.	All activities in furtherance of the U.S. Fish and Wildlife Service's mission to conserve endangered wildlife and plants and the ecosystems upon which they depend.	Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect.	Renew/ amend.
PER20000677 ...	Hill, Michael; Albuquerque, New Mexico.	Dunes sagebrush lizard (*Sceloporus arenicolus*)	New Mexico	Presence/absence surveys, occupancy surveys, capture, handle, bio-sample, salvage.	Harass, harm, capture, wound.	New.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Leston Jacks,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2025–11745 Filed 6–25–25; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Scott Hansen, A.R.N.P.; Default Decision and Order

I. Introduction

On July 18, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Scott Hansen, A.P.R.N., of Seattle, WA (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1. The OSC/ISO informed Registrant of the immediate suspension of his DEA Certificate of Registration, No. MH7100124, pursuant to 21 U.S.C. 824(d), alleging that Registrant's continued registration constitutes '' 'an imminent danger to the public health or

safety.' '' *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of Registrant's registration, alleging that Registrant's continued registration is inconsistent with the public interest and Registrant is without state authority to handle controlled substances. *Id.* at 1, 3 (citing 21 U.S.C. 823(g)(1), 824(a)(3), (4)).

More specifically, the OSC/ISO alleged that Registrant issued at least five controlled substance prescriptions after the Washington State Board of Nursing indefinitely suspended his Washington advanced registered nurse practitioner (ARNP) license. *Id.* at 2. The OSC/ISO also alleged that, due to the suspension of Registrant's Washington ARNP license, Registrant does not have authority to handle controlled substances in Washington, the state in which he is registered with DEA. *Id.* at 3. The OSC/ISO alleged that Registrant's prescribing was in violation of the Controlled Substances Act's (CSA's) implementing regulations and Washington state law. *Id.* at 2.[1]

The OSC/ISO notified Registrant of his right to file with DEA a written request for a hearing and an answer, 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. RFAAX 2, at 4–5 (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/applicant's right to a hearing and an admission of the factual allegations of the [OSC/ISO].'' 21 CFR 1301.43(e); *see also* RFAAX 2, at 4–5 (providing notice to Registrant).

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.

II. Lack of State Authority

A. Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC/ISO are deemed admitted. Accordingly, Registrant admits that on March 5, 2024, the Washington State Board of Nursing indefinitely suspended Registrant's Washington ARNP license. RFAAX 2, at 3. According to Washington online records, of which the Agency takes official notice,[3] Registrant's Washington ARNP license remains suspended. Washington State Department of Health Provider Credential Search, *https://fortress.wa.gov/doh/providercredential* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice as an ARNP in Washington, the state in which he is registered with DEA.[4]

B. 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 71,371, 71,372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).[5]

According to Washington statute, ''[a] practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.'' Wash. Rev. Code § 69.50.308(j) (2024). Further, a

[1] The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan* v. *United States,* 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

[2] Based on the Government's submissions in its RFAA dated January 14, 2025, the Agency finds that service of the OSC/ISO on Registrant was adequate. According to the included Declaration from a DEA Diversion Investigator (DI), on July 22, 2024, the DI went in person to both Registrant's registered and mailing addresses, but Registrant was not present at either address and appeared to no longer live at the mailing address. RFAAX 1, at 1. On the same date, the DI contacted the county assessor's office and confirmed that Registrant had sold his residence. *Id.* at 2. The DI then contacted the realtor of the sale, who confirmed the sale and advised the DI that Registrant may have moved to Thailand, but noted that he/she had not heard from Registrant since the sale. *Id.* No forwarding address was provided. *Id.* On the same date, the DI tried contacting Registrant via the telephone numbers associated with his registration, but Registrant's office number was disconnected and he did not answer his cell phone number. *Id.* The DI left a voicemail and sent Registrant a text message on his cell phone. *Id.* On the same date, the DI also emailed the OSC/ISO to Registrant's registered email address. Here, the Agency finds that Registrant was successfully served the OSC/ISO 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 34,552, 34,552 (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).

[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 as an ARNP in Washington. 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 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 appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71,371–72; *Sheran Arden Yeats, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27,617.

''prescription'' means ''an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.'' *Id.* § 69.50.101(oo). Finally, a ''practitioner'' as defined by Washington statute includes ''[an] advanced registered nurse practitioner . . . under chapter 18.79 RCW.'' *Id.* § 69.50.101(nn)(1).[6]

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice as an ARNP in Washington, *supra* II.A. As discussed above, an individual must be a licensed practitioner to dispense or prescribe a controlled substance in Washington. Thus, because Registrant currently lacks authority to practice as an ARNP in Washington and, therefore, is not currently authorized to handle controlled substances in Washington, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

III. Public Interest

A. Applicable Law

As the Supreme Court stated in *Gonzales* v. *Raich,* ''the main objectives of the CSA were to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances. . . . To effectuate these goals, Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by the CSA.'' 545 U.S. 1, at 12–13 (2005). In maintaining this closed regulatory system, ''[t]he CSA and its implementing regulations set forth strict requirements regarding registration, . . . drug security, and recordkeeping.'' *Id.* at 14.

Here, the OSC/ISO's allegations concern the CSA's ''strict requirements regarding registration'' and, therefore, go to the heart of the CSA's ''closed regulatory system'' specifically designed ''to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Id.*

Improper Prescribing (21 CFR 1306.04(a); Wash. Admin. Code § 246–840–410(1)(a); Wash. Rev. Code §§ 18.79.030(2), 18.130.190(7))

The OSC/ISO alleges that Registrant issued at least five controlled substance prescriptions after the Washington State Board of Nursing indefinitely suspended his Washington ARNP license. RFAAX 2, at 2. According to CSA regulations, a prescription for a controlled substance is proper only if ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.'' 21 CFR 1306.04(a).

Moreover, under Washington law, it is ''unlawful for a person to practice or to offer to practice as an [ARNP] or as a nurse practitioner in th[e] state unless that person has been licensed.'' Wash. Rev. Code § 18.79.030(2). Washington law further requires that an ARNP hold an active Washington ARNP license to have prescriptive authority. Wash. Admin. Code § 246–840–410(1)(a).[7]

B. Findings of Fact

Registrant is deemed to have admitted that following the suspension of his Washington ARNP license on March 5, 2024, he issued at least five prescriptions for controlled substances including amphetamine/dextroamphetamine (a Schedule II stimulant), lisdexamfetamine (a Schedule II stimulant), oxycodone/acetaminophen (a Schedule II opioid), and buprenorphine (a Schedule II opioid). RFAAX 2, at 3. Registrant admits that these prescriptions were issued from March 19, 2024, through at least April 19, 2024, while he lacked a Washington ARNP license. *Id.* Accordingly, Registrant admits and the Agency finds substantial record evidence that these prescriptions were issued outside the usual course of professional practice and not for a legitimate medical purpose. *Id.*

C. Discussion

The Controlled Substances Act's Public Interest Factors

Pursuant to the CSA, ''[a] registration . . . to . . . distribute[ ] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.'' 21 U.S.C. 824(a)(4). In the case of a ''practitioner,'' Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).[8]

The five factors are considered in the disjunctive. *Gonzales* v. *Oregon*, 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (''It is well established that these factors are to be considered in the disjunctive,'' citing *In re Arora,* 60 FR 4,447, 4,448 (1995)); *Robert A. Leslie, M.D.,* 68 FR 15,227, 15,230 (2003). Each factor is weighed on a case-by-case basis. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 173–74 (DC Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp.* v. *Drug Enf't Admin.,* 491 F.3d 483, 490 (DC Cir. 2007); *Morall,* 412 F.3d. at 185 n.2; *David H. Gillis, M.D.,* 58 FR 37,507, 37,508 (1993).

According to Agency decisions, the Agency ''may rely on any one or a combination of factors and may give each factor the weight [it] deems appropriate in determining whether'' to revoke a registration. *Id.; see also Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018) (citing *Akhtar-Zaidi* v. *Drug Enf't Admin.,* 841 F.3d 707, 711 (6th Cir. 2016)); *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 816 (10th Cir. 2011); *Volkman* v. *U. S. Drug Enf't Admin.,* 567 F.3d 215, 222 (6th Cir. 2009); *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 482 (6th Cir. 2005).

Moreover, while the Agency is required to consider each of the factors, it ''need not make explicit findings as to each one.'' *MacKay,* 664 F.3d at 816 (quoting *Volkman,* 567 F.3d at 222); *see also Hoxie,* 419 F.3d at 482. ''In short, . . . the Agency is not required to mechanically count up the factors and determine how many favor the Government and how many favor the registrant. Rather, it is an inquiry which focuses on protecting the public interest; what matters is the seriousness of the registrant's misconduct.'' *Jayam Krishna-Iyer, M.D.,* 74 FR 459, 462 (2009). Accordingly, as the Tenth Circuit has recognized, findings under a single factor can support the revocation of a registration. *MacKay,* 664 F.3d at 821.

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its

[6] Chapter 18.79 regulates nursing care.

[7] Washington law states that ''unlicensed practice of a profession . . . for which a license is required . . . constitutes a gross misdemeanor for a single violation,'' and each subsequent violation is a class C felony. Wash. Rev. Code § 18.130.190(7)

[8] The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

prima facie public interest revocation case regarding Registrant's violations of the CSA's implementing regulations is confined to Factors B and D. RFAAX 2, at 3. Moreover, the Government has the burden of proof in this proceeding. 5 U.S.C.A. 556(d); 21 CFR 1301.44.

Factors B and/or D—Registrant's Registration is Inconsistent With the Public Interest

Evidence is considered under Public Interest Factors B and D when it reflects compliance or non-compliance with federal and local laws related to controlled substances and experience dispensing controlled substances. 21 U.S.C. 823(g)(1)(B) and (D); *see also Kareem Hubbard, M.D.,* 87 FR 21,156, 21,162 (2022). Here, as the Agency finds above, Registrant is deemed to admit and the Agency finds that Registrant issued at least five controlled substance prescriptions after the Washington State Board of Nursing suspended his Washington ARNP license. *Supra* Section III. The Agency further finds that these prescriptions were issued outside the usual course of professional practice and not for a legitimate medical purpose. *Supra* Section III; *see also* RFAAX 2, at 3.

As such, the Agency finds substantial record evidence that the Registrant violated 21 CFR 1306.04(a), Wash. Admin. Code § 246–840–410(1)(a), and Wash. Rev. Code §§ 18.79.030(2), 18.130.190(7). After considering Factors B and D, the Agency further finds that Registrant's registration is outside the public interest. 21 U.S.C. 823(g)(1). Accordingly, the Agency finds that the Government established a *prima facie* case, that Registrant did not rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Registrant's registration. 21 U.S.C. 823(g)(1).

D. Sanction

Here, the Government has met its *prima facie* burden of showing that Registrant's continued registration is inconsistent with the public interest due to his numerous violations pertaining to his controlled substance prescribing. Accordingly, the burden shifts to Registrant to show why he can be entrusted with a registration. *Morall,* 412 F.3d. at 174; *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18,882, 18,904 (2018); *supra* section III.

The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46,968, 46,972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that he will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 & n.4. The Agency has also considered the need to deter similar acts by the registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46,972–73.

Here, Registrant did not request a hearing and did not otherwise avail himself of the opportunity to refute the Government's case. As such, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the founded violations, meaning, among other things, that it is not reasonable to believe that Registrant's future controlled substance-related actions will comply with legal requirements. Accordingly, Registrant did not convince the Agency that he can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Registrant's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a registration.

In sum, Registrant has not offered any evidence on the record that rebuts the Government's case for revocation of his registration, and Registrant has not demonstrated that he can be entrusted with the responsibility of registration. Accordingly, the Agency will order the revocation of Respondent's registration.[9]

[9] In this matter there are two separate and distinct grounds by which the Agency proposed revocation, Registrant lost state authority and his registration is outside the public interest; each ground, standing alone, supports the Agency's decision to revoke.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby revoke DEA Certificate of Registration No. MH7100124 issued to Scott Hansen, A.P.R.N. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a) and 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Scott Hansen, A.P.R.N., to renew or modify this registration, as well as any other pending application of Scott Hansen, A.P.R.N., for additional registration in Washington. This Order is effective July 28, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 20, 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**.

Gregory Aul,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–11731 Filed 6–25–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Bohdan Olesnicky, M.D.; Decision and Order

On November 13, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Bohdan Olesnicky, M.D., of Indian Wells, California (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration No. FO0628391, 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)).

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 2–3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 4.[1] ''A default, unless 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.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(a), (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 deemed admitted. According to the OSC, on December 5, 2023, Registrant surrendered his California physician's and surgeon's license. RFAAX 1, at 1. According to California online records, of which the Agency takes official notice,[2] Registrant's California medical license has a primary status of ''License Surrendered.'' 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.[3]

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 71,371, 71,372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).[4]

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 § 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 § 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in California. As discussed above, a physician 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. FO0628391 issued to Bohdan Olesnicky, 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 Bohdan Olesnicky, M.D., to renew or modify this registration, as well as any other pending application of Bohdan Olesnicky, M.D., for additional registration in California. This Order is effective July 28, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 20, 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

[1] Based on the Government's submissions in its RFAA dated February 26, 2025, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on November 15, 2024, the DI attempted to serve Registrant the OSC at his ''mail to'' address and left a copy of the OSC at that location. RFAAX 2, at 2. On November 20, 2024, the DI emailed a copy of the OSC to Registrant's registered email address and the email was not returned. *Id.* On the same date, the DI mailed copies of the OSC via certified mail to Registrant's ''mail to'' address and address of record with the Medical Board of California. *Id.* The copy of the OSC sent to Registrant's ''mail-to'' address was returned as ''unclaimed.'' *Id.* Finally, on November 27, 2024, the DI mailed a copy of the OSC to Registrant's ''mail to'' address via First-Class mail. *Id.* at 3. Here, the Agency finds that the DI's efforts to serve Registrant 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)). Therefore, due process notice requirements have been satisfied.

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] 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.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27,617.

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**.

Gregory Aul,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025–11729 Filed 6–25–25; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board.

Name of the Committee: NIC Advisory Board.

General Function of the Committee: To aid the National Institute of Corrections in developing long-range plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

Date and Time: Public meeting 1:00 p.m.–4:00 p.m. ET on Tuesday, July 15, 2025. Closed session from 4:00 p.m.–4:30 p.m. ET.

Location: Virtual.

Contact Person: Leslie LeMaster, Designated Federal Officer (DFO) to the NIC Advisory Board, The National Institute of Corrections, 320 First Street NW, Room 901–3, Washington, DC 20534. To contact Ms. LeMaster, please call (202) 305–5773 or *llemaster@bop.gov*.

Agenda: On July 15, 2025, the Advisory Board will: (1) receive a brief Agency Report from the NIC Director, and (2) receive project-specific updates from all NIC divisions. Time for questions and counsel from the Board is built into the agenda.

Procedure: On Tuesday, July 15, 2025, 1:00 p.m.–4:00 p.m. ET, the meeting is open to the public. Interested persons may request to attend virtually and present data, information, or views, orally and/or in writing, on issues pending before the committee. Such requests must be made to the contact person on or before Monday, July 7, 2025. The public comment period is scheduled for 3:35 p.m.–3:50 p.m. ET on July 15, 2025. The time allotted for each presentation and/or comment is limited. Those who wish to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names, titles, agencies, addresses, and email addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 7, 2025.

Closed Committee Deliberations: On July 15, 2025, between 4:00 p.m.–4:30 p.m. ET, the meeting will be closed to permit discussion of information that (1) relates solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c) (2)), and (2) is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c) (6)).

General Information: NIC welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Leslie LeMaster by July 7, 2025. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Leslie LeMaster,

Designated Federal Officer, National Institute of Corrections.

[FR Doc. 2025–11779 Filed 6–25–25; 8:45 am]

BILLING CODE 4410–36–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; American Time Use Survey

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-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 28, 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 American Time Use Survey (ATUS) is the Nation's only federally administered, continuous survey on time use in the United States. It measures, for example, time spent with children, working, providing eldercare, sleeping or doing leisure activities. In the United States, several existing Federal surveys collect income and wage data for individuals and families, and analysts often use such measures of material prosperity as proxies for quality of life. Time-use data substantially augment these quality-of-life measures. The data also can be used in conjunction with wage data to evaluate the contribution of non-market work to national economies. This enables comparisons of production between nations that have different mixes of market and non-market activities. The ATUS supports the mission of the Bureau of Labor Statistics by providing data on when, where, and how much employed Americans work. Individuals aged 15 and up are selected from a nationally representative sample of households each month for the ATUS. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 28, 2025 (90 FRN 14168).

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.

Agency: DOL–BLS.

Title of Collection: American Time Use Survey.

OMB Control Number: 1220–0175.

Affected Public: Individuals and Households.

Total Estimated Number of Respondents: 8,520.

Total Estimated Number of Responses: 8,520.

Total Estimated Annual Time Burden: 2,868 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2025–11766 Filed 6–25–25; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Intertek Testing Services NA, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before July 11, 2025.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2007–0039). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov*. Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before July 11, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov*.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that Intertek Testing Services NA, Inc. (ITSNA), is applying for expansion of the current recognition as a NRTL. ITSNA requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html*.

II. General Background on the Application

ITSNA submitted an application dated February 15, 2021 (OSHA–2007–0039–0063), requesting the addition of one test standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA performed an on-site review of ITSNA's Cortland, New York facility on April 14–16, 2024, where assessors found nonconformances with 29 CFR 1910.7. ITSNA addressed these issues sufficiently, and OSHA staff has preliminarily determined that OSHA should grant the expansion application to include this additional standard.

Table 1, below, lists the appropriate test standard in ITSNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 9540	Energy Storage Systems and Equipment.

III. Preliminary Findings on the Application

ITSNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation indicates that ITSNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of ITSNA's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether ITSNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibit identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0039 (for further information, see the ''Docket'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant ITSNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 17, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–11767 Filed 6–25–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on June 26, 2025.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Final Decision

OSHA is providing notice of the expansion of the scope of recognition of CSA Group Testing & Certification Inc. (CSA), as a NRTL. CSA's expansion covers the addition of one test site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition, as well as for an expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSA submitted an application, dated July 19, 2022 (OSHA–2006–0042–0049), to expand recognition as a NRTL to include one additional test site located at: 41 Science Park Road #02–04, The Gemini, Singapore Science Park II, Singapore 117610. OSHA staff performed an on-site review of CSA's testing facility at CSA Singapore on March 4–5, 2024, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. CSA has addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the application to include this additional testing site.

OSHA published the preliminary notice announcing CSA's expansion application in the **Federal Register** on April 25, 2025 (90 FR 17464). The agency requested comments by May 12,

2025, however no comments were received in response to this notice. OSHA is now proceeding with this notice to grant expansion of CSA's scope of recognition.

To obtain or review copies of all public documents pertaining to the CSA expansion application, go to *www.regulations.gov* or contact the Docket Office (202) 693–2350 (TTY (877) 889–5627). Docket No. OSHA–2006–0042 contains all materials in the record containing CSA's NRTL recognition.

II. Final Decision and Order

OSHA staff examined CSA's expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant CSA's scope of recognition. OSHA limits the expansion of CSA's recognition to include the located at: 41 Science Park Road #02–04. The Gemini, Singapore Science Park II, Singapore 117610. OSHA's recognition of the site limits CSA to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in CSA's scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA must abide by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 17, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–11763 Filed 6–25–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0046]

QPS Evaluation Services, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of QPS Evaluation Services, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before July 11, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2010–0046). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before July 11, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that QPS Evaluation Services, Inc. (QPS), is applying for expansion of the current recognition as a NRTL. QPS requests the addition of one test standard to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the

NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including QPS, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

II. General Background on the Application

QPS submitted an application to OSHA for expansion of the NRTL scope of recognition on February 2, 2024 (OSHA–2010–0046–0024), requesting the addition of one standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review related to this application.

Table 1, below, lists the appropriate test standard found in QPS's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN QPS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 347A	Medium Voltage Power Conversion Equipment.

III. Preliminary Finding on the Application

QPS submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation indicates that QPS has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the one test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of QPS's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether QPS meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2010–0046 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant QPS's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 17, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–11765 Filed 6–25–25; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition of Intertek Testing Services NA, Inc. as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on June 26, 2025.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2300 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition for Intertek Testing Services NA, Inc. (ITSNA), as a NRTL. ITSNA's expansion covers the addition of two test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

ITSNA submitted an application dated October 1, 2023 (OSHA–2007–0039–0061), requesting the addition of two test standards to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing ITSNA's expansion application in the **Federal Register** on April 25, 2025 (90 FR 17469). The agency requested comments by May 12, 2025, but it received no comments in response to this notice. OSHA is now proceeding with this notice to grant expansion of ITSNA's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the ITSNA expansion application, go to *www.regulations.gov* or contact the Docket Office at (202) 693–2350 (TTY (877) 889–5627. Docket No. OSHA–2007–0039 contains all materials in the record containing ITSNA's recognition.

II. Final Decision and Order

OSHA staff examined ITSNA's expansion application and examined other pertinent information. Based on review of this evidence, OSHA finds that ITSNA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions listed in this notice. OSHA, therefore, is proceeding with this final notice to grant ITSNA's scope of recognition. OSHA limits the expansion of ITSNA's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—APPROPRIATE TEST STANDARDS FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2272	Electrical Systems for Personal E-Mobility Devices.
UL 2849	Electrical Systems for eBikes.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including, but not limited to, abiding by the following conditions of the recognition:

1. ITSNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. ITSNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. ITSNA must continue to meet the requirements for recognition, including all previously published conditions on ITSNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of ITSNA as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

Amanda Laihow, Acting Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on June 17, 2025.

Amanda Laihow,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2025–11768 Filed 6–25–25; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Acting Chairman of the National

Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out her functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Acting Chairman; and to consider gifts offered to NEH and make recommendations thereon to the Acting Chairman.

DATES: The meeting will be held on Thursday, July 17, 2025, from 10:00 a.m. ET until adjourned, and Friday, July 18, 2025, from 1:00 p.m. ET until adjourned.

ADDRESSES: The meeting will be held by videoconference originating at Constitution Center, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov*.

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended).

The following Committees of the National Council on the Humanities will convene by videoconference on July 17, 2025, from 10:00 a.m. until 12:00 p.m. ET, to discuss specific grant applications and programs before the Council:

Federal/State Partnership;
Preservation and Access;
Public Programs; and
Research Programs.

The Education Programs Committee of the National Council on the Humanities will convene by videoconference on July 17, 2025, from 1:00 p.m. until 3:00 p.m. ET, to discuss specific grant applications and programs before the Council.

The National Council will then convene in executive session by videoconference on July 17, 2025, from 3:00 p.m. ET until adjourned.

The plenary session of the National Council on the Humanities will convene by videoconference on July 18, 2025, from 1:00 p.m. ET until adjourned. The agenda for the plenary session will be as follows:

A. Minutes of Previous Meeting
B. Reports
  1. Acting Chairman's Remarks
  2. Actions on Requests for Chair's Grants and Supplemental Funding
  3. Actions on Previously Considered Applications
C. Education Programs
D. Federal/State Partnership
E. Preservation and Access
F. Public Programs
G. Research Programs

This meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5 U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted to me by the Chair's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: June 24, 2025.

Jessica Graves,

Paralegal Specialist, National Endowment for the Humanities.

[FR Doc. 2025–11815 Filed 6–25–25; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0136]

Information Collection: NRC Form 531, Request for Taxpayer Identification Number

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 531, ''Request for Taxpayer Identification Number.''

DATES: Submit comments by July 28, 2025. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Acting NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0136 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–2024–0136.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession ML24289A147. The supporting statement is available in ADAMS under Accession No. ML25066A050.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Acting Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/*

public/do/PRAMain. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 531, ''Request for Taxpayer Identification Number.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 20, 2024, 89 FR 104239.

1. *The title of the information collection:* NRC Form 531, Request for Taxpayer Identification Number.

2. *OMB approval number:* 3150–0188.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 531.

5. *How often the collection is required or requested:* Licensees are only required to submit once.

6. *Who will be required or asked to respond:* NRC Form 531 is used to collect taxpayer identification numbers (TINs) and information sufficient to identify the licensee or applicant for licenses, certificates, approvals, and registrations.

7. *The estimated number of annual responses:* 150.

8. *The estimated number of annual respondents:* 150.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 37.5.

10. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect TINs from individuals who do business with the Government, including contractors and recipients of credit, licenses, permits, and benefits. The TIN will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury. The Department of the Treasury will use the TIN to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other Government agencies. In addition, the TIN will be used to collect and report to the Department of the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

Dated: June 24, 2025.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2025–11790 Filed 6–25–25; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103298; File No. SR–LTSE–2025–10]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the LTSE Fee Schedule

June 23, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on June 10, 2025, Long-Term Stock Exchange, Inc. (''LTSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the LTSE Fee Schedule. Specifically, the Exchange proposes to lower the rebates applicable to transactions in securities priced at or above $1.00 per share that add displayed liquidity that establish or match the national best bid or offer (''NBBO'') on the Exchange and to lower the take fee when removing non-displayed liquidity, effective as of June 10, 2025.

The text of the proposed rule change is available at the Exchange's website at *https://longtermstockexchange.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement 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 self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make changes to the LTSE Fee Schedule. Specifically, the Exchange proposes to lower the rebates applicable to transactions in securities priced at or above $1.00 per share that add displayed liquidity that establish or match the national best bid or offer (''NBBO'') on the Exchange and to lower the take fee when removing non-displayed liquidity, effective as of June 10, 2025.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange will be only one of numerous equities venues to which market participants may direct

their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 15% of total market share.[3] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow and the Exchange currently represents a small percentage of the overall market.

The Exchange has put in place a fee structure for all transactions executed on the Exchange that is meant to incentivize adding both displayed and non-displayed liquidity on the Exchange in order to encourage and facilitate price discovery and price formation.[4] Under this fee structure, the Exchange is operating a ''Maker-Taker'' model whereby it provides rebates to Members that provide liquidity and charges fees to those that remove liquidity. The Exchange notes that it does not assess volume-based fees or rebates. Accordingly, all fees and rebates described below are applicable to all Members, regardless of the overall volume of a Member's trading activities on the Exchange. The Exchange now proposes to lower the rebate for securities priced at or above $1.00 per share that add displayed liquidity on the Exchange that establish or match the NBBO and to lower the take fee when removing non-displayed liquidity.

The Exchange seeks to incentivize interaction with hidden liquidity, and the fee schedule as amended would continue to incentivize the submission of additional displayed liquidity to the Exchange, thereby promoting price discovery and price formation, which the Exchange believes will benefit all Members and investors by driving liquidity to the Exchange as a whole.

Rebate for Adding Displayed Liquidity That Matches the National Best Bid or Offer (''NBBO'')

Currently, for executions of Add Displayed Liquidity that establish a new best bid or offer on the Exchange that matches the NBBO first established on an away market (''NBBO Joiner''), the Exchange offers a rebate of $0.0033 per share.[5] The Exchange proposes to lower this rebate to $0.0023 per share.

Rebate for Adding Displayed Liquidity That Establishes the NBBO

Currently, for executions of Add Displayed Liquidity that establish the NBBO (''NBBO Setter'') on LTSE, the Exchange offers a rebate of $0.0033 per share.[6] The Exchange proposes to lower this rebate to $0.0023 per share.

Standard Fee for Removing Liquidity

Currently, the Exchange charges a fee of $0.0030 per share for executions of orders that remove liquidity from the LTSE Order Book[7] (''Remove Liquidity'') in securities priced at or above $1.00 per share or 0.30% of the total dollar value (''TDV'') for securities priced under $1.00.[8]

The Exchange proposes to reduce the fee charged for executions against non-displayed liquidity resting on the LTSE Order Book. Specifically, the Exchange proposes to lower the take fee for removing non-displayed liquidity from $0.0030 to $0.0020. This change is intended to encourage increased interaction with non-displayed orders by reducing the cost to access such liquidity.

Non-displayed orders serve an important function in U.S. equities markets, particularly for institutional trading strategies that seek to minimize market impact. By reducing the take fee for non-displayed executions, the Exchange aims to incentivize additional market participants to engage with hidden liquidity, thereby increasing overall execution volume and improving order interaction and market efficiency.

In order to effect this change, the Exchange proposes to add the term ''displayed'' to the previous description of ''Remove Liquidity'' as that charge remains unchanged (''Remove Displayed Liquidity''). Further, the Exchange proposes to add a row on the LTSE Fee Schedule to reflect this proposed lower take fee for removing non-displayed liquidity (''Remove Non-Displayed Liquidity'').

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular. The proposed rule change is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market and the Exchange represents only a small percentage of the overall market and participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient, and the Exchange represents only a small percentage of the overall market. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, 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.'' [11]

The Exchange believes that the ever-shifting market share among the exchanges from month-to-month demonstrates that market participants can shift order flow or discontinue flow to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, including with respect to transactions in securities at or above a dollar, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange also believes that the proposed rule change reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct order flow to the Exchange, which would enhance market quality to the benefit of all Members and investors. The Exchange notes that the

[3] Market share percentage calculated as of April 30, 2025, with data made available through consolidated data feeds (*i.e.,* Consolidated Tape System (CTS) and Unlisted Trading Privilege (UTP) data feeds).

[4] *See* Securities Exchange Act Release No. 101226 (October 1, 2024), 89 FR 81587 (October 8, 2024) (SR–LTSE–2024–06). *See* also Securities Exchange Act Release No. 102571 (March 11, 2025), 90 FR 12372 (March 17, 2025) (SR–LTSE–2025–03).

[5] The pricing is referred to by the Exchange as ''Add displayed liquidity—NBBO Joiner'' in the LTSE Fee Schedule.

[6] The pricing is referred to by the Exchange as ''Add displayed liquidity—NBBO Setter'' in the LTSE Fee Schedule.

[7] ''LTSE Order Book'' means the System's electronic file of orders. *See* Exchange Rule 1.160(t). The ''System'' shall mean the electronic communications and trading facility designated by the Board through which securities orders of Members are consolidated for ranking and execution. *See* Exchange Rule 1.160(rr).

[8] This pricing is referred to as ''Remove liquidity'' on the proposed Fee Schedule.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

proposal does not include different fees or rebates for transactions depending on the amount of orders submitted to, and/or transactions executed on or through, the Exchange. Accordingly, the proposed pricing structure is applicable to all Members, regardless of the overall volume of a Member's trading activities on the Exchange.

Further, the Exchange believes that the proposed rebate of $0.0023 per share for all securities at or above $1.00 that Add Displayed Liquidity and join or set the NBBO is reasonable because it would continue to incentivize Members to add displayed liquidity to the Exchange. The Exchange notes that at least two other exchanges provide rebates for adding displayed liquidity transactions in securities at or above $1.00 in the range of the proposed rebate.[12]

Moreover, the Exchange believes that providing a higher rebate for adding displayed liquidity that matches or establishes the NBBO is reasonable, equitable and not unfairly discriminatory as these rebates are designed to encourage the submission of orders that enhance price discovery and potentially lower bid-ask spreads, thereby contributing to deeper and more robust liquidity on the Exchange to the benefit of all Members and market participants. Further, the rebates are equitably allocated and not unfairly discriminatory as they apply equally to all Members.

The Exchange believes that it is reasonable and equitable to establish separate fees for removing displayed and non-displayed liquidity. Displayed and non-displayed orders serve different functions in the market and interact with liquidity in different ways. Displayed liquidity contributes to the visible quote and encourages price competition among market participants, while non-displayed liquidity typically resides deeper in the order book and may reflect longer-term trading strategies or institutional interest. By differentiating fees based on the type of liquidity being accessed, the Exchange is better able to align its fee structure with the distinct characteristics and market impacts of displayed and non-displayed liquidity.

The Exchange further believes that a lower fee for removing non-displayed liquidity is reasonable, equitable and not unfairly discriminatory. Reducing the cost burden on participants accessing non-displayed liquidity may enhance execution opportunities and promote greater order interaction. This, in turn, could improve market quality by facilitating more efficient matching of buyers and sellers and supporting the price discovery process. The proposed fee reduction is designed to incentivize market participants to access non-displayed liquidity more actively, thereby contributing to a more robust and dynamic trading environment.

The proposal is not unfairly discriminatory, as the lower fee would apply uniformly to all market participants accessing non-displayed liquidity, regardless of the type of participant or the size of the order. Additionally, the lower fee is reasonable because it would encourage increased interaction with non-displayed orders by reducing the cost to access such liquidity. The Exchange notes that at least one other exchange charges a lower fee for removing non-displayed liquidity than removing displayed liquidity, additionally the proposed fee differential between removing non-displayed liquidity and removing displayed liquidity is less than the fee differential between these two fees at the competing exchange.[13] Lastly, the proposed fees for removing non-displayed liquidity and displayed liquidity is within the range charged by other exchanges.[14]

In conclusion, the Exchange submits that its proposed fee structure satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act for the reasons discussed above in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage the continued submission of displayed orders in securities at or above $1.00 to the Exchange, thereby promoting market depth, enhanced execution opportunities, as well as price discovery and transparency for all Members. Additionally, the Exchange believes that the proposed lower take fee would increase interaction with hidden liquidity, thereby contributing to a more robust and dynamic trading environment for all market participants. Furthermore, the Exchange believes that the proposed changes would allow the Exchange to continue to compete with other execution venues by providing competitive pricing for these securities, thereby making it a desirable destination venue for its customers. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [15]

Intramarket Competition

The Exchange believes that the proposed changes would continue to incentivize market participants to direct order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all Members. The proposed rebates would be available to all market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

[12] For example, the Cboe BZX Fee Schedule reflects a standard rebate for adding displayed liquidity of $0.0016 for executions in securities priced at or above $1.00. Further, various tiers provide the ability of a firm to receive a rebate of $0.0032 per share, *see https://www.cboe.com/us/equities/membership/fee_schedule/bzx/.* The MEMX Fee Schedule reflects rebates for ''adding'' displayed volume that range from $0.0015 to $0.0034 for shares executed at or above $1.00 (excluding tier-based rebates), *see https://info.memxtrading.com/equities-trading-resources/us-equities-fee-schedule/.*

[13] For executions at or above $1,00, the IEX Fee Schedule reflects a fee for removing displayed liquidity between $0.0022 and $0.0030, and a fee for removing non-displayed liquidity of $0.0010, *see https://www.iexexchange.io/resources/trading/fee-schedule.*

[14] For example, the Nasdaq Fee Schedule reflects a ''free'' take fee for retail orders of shares executed below 8 million shares in the month or above 8 million if adding at least 3 million shares ADV of designated retail add volume during the month. Otherwise, a take fee of $0.0025 applies for shares executed in excess of 8 million shares in the month that remove liquidity on Nasdaq or execute on other protected Reg NMS venues, excluding taker-maker venues, *see https://nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.* The NYSE American has a $0.0010 fee for Mid-point Passive Liquidity (''MPL'') retail orders removing liquidity, and a $0.0025 standard take fee for Tier 1 transactions in securities at or above $1.00, *see https://www.nyse.com/publicdocs/nyse/markets/nyse-american/NYSE_America_Equities_Price_List.pdf.*

[15] *See* supra note 11.

Additionally, the Exchange believes the proposed lower take fee will not impose a burden on competition as lowering the cost burden for accessing non-displayed liquidity enhances execution opportunities and promotes greater order interaction, resulting in improved market quality for all market participants. As such, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow to, including 15 other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than approximately 15% of the total market share of executed volume of equities trading. Thus, in such a low concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow.

Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month-to-month demonstrates that market participants can shift order flow or discontinue flow to reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates and market participants therefore can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As described above, the proposed changes are competitive proposals through which the Exchange is seeking to encourage certain order flow to be sent to the Exchange.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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.'' [16] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. SEC, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [17] Accordingly, the Exchange does not believe its proposed changes imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule change establishes dues, fees or other charges among its members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act [18] and paragraph (f)(2) of Rule 19b-4 thereunder.[19] Accordingly, the proposed rule change would take effect upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–LTSE–2025–10 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–LTSE–2025–10. 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–LTSE–2025–10 and should be submitted on or before July 17, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11735 Filed 6–25–25; 8:45 am]

BILLING CODE 8011–01–P

[16] *See id.*

[17] NetCoalition v. SEC, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)[sic]).

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 240.19b–4(f)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35650; File No. 812–15780]

Principal Private Credit Fund I, et al.

June 24, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Principal Private Credit Fund I, Principal Real Asset Fund, Principal Global Investors, LLC, Principal Life Insurance Company, Principal Alternative Credit Unlevered Fund, LP, and Principal Real Estate Investors, LLC.

FILING DATES: The application was filed on May 6, 2025 and amended on June 18, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on July 21, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: John L. Sullivan, c/o Principal Financial Group, Inc., 711 High Street, Des Moines, IA 50392, *sullivan.john.l@principal.com.*

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, or Adam Large, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended application, dated June 18, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.html.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11835 Filed 6–25–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103299; File No. SR–FICC–2025–005]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt an Intraday Mark-to-Market Charge at GSD

June 23, 2025.

I. Introduction

On March 14, 2025, Fixed Income Clearing Corporation (''FICC,'' a subsidiary of The Depository Trust & Clearing Corporation (''DTCC'') and a ''Clearing Agency''), filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–FICC–2025–005 (''Proposed Rule Change''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The Proposed Rule Change was published for comment in the **Federal Register** on March 27, 2025.[3] The Commission has received comments on the changes proposed.[4]

On May 5, 2025, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve, disapprove or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change.[6] The Commission is instituting proceedings, pursuant to Section 19(b)(2)(B) of the Act,[7] to determine whether to approve or disapprove the Proposed Rule Change.

II. Summary of the Proposed Rule Change

A tool that FICC uses to manage its credit exposure to its members is the daily collection of the Required Fund Deposit from each member.[8] The Required Fund Deposit serves as each member's margin. A member's margin is designed to mitigate potential losses associated with the liquidation of a member's portfolio in the event of that member's default. The Proposed Rule Change would add the ''Intraday Mark-to-Market Charge'' as an additional charge in calculating the Required Fund Deposit and Segregated Customer Margin Requirement in the Margin Component Schedule and outlines the circumstances which warrant its collection. Specifically, the Proposed Rule Change would amend the FICC Government Securities Division (''GSD'') Rulebook to add a definition of ''Intraday Mark-to-Market Charge'' to GSD Rule 1 (Definitions) and to define it in the new Margin Component Schedule.

The Proposed Rule Change defines the Intraday Mark-to-Market Charge as, ''an additional charge that is collected from a Member or Segregated Indirect Participant (unless waived . . .) to mitigate [FICC's] exposures that may arise due to intraday changes in the size, composition and constituent security prices of such Member's Margin Portfolio or Segregated Indirect Participant's portfolio, including when certain risk thresholds are breached or when the products cleared or markets serviced display elevated volatility.'' The Proposed Rule Change also states that the Intraday Mark-to-Market Charge equals the difference between (a) the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 102705 (Mar. 21, 2025), 90 FR 13965 (Mar. 27, 2025) (File No. SR–FICC–2025–005) (''Notice of Filing'').

[4] Comments on the Proposed Rule Change are available at *https://www.sec.gov/comments/sr-ficc-2025-005/srficc2025005.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 102896 (May 5, 2025), 90 FR 19755.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* GSD Rule 4 (Clearing Fund and Loss Allocation). The GSD Rules are available at *https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf.* Terms not otherwise defined herein are defined in the GSD Rules.

mark-to-market amount reflected either in the last Funds-Only Settlement Amount or Intraday Mark-to-Market Charge, as applicable, for the Margin Portfolio or Segregated Indirect Participant's portfolio and (b) such Margin Portfolio's or Segregated Indirect Participant's portfolio marked to the most recently observed System Price for such positions and shall be recalculated intraday, each Business Day, at the times and frequencies established [by FICC] for this purpose, which times and frequencies shall be communicated to Members and Segregated Indirect Participants on [FICC's] public website.

The Proposed Rule Change identifies risk thresholds for the imposition of an Intraday Mark-to-Market Charge. The Proposed Rule Change states that the Intraday Mark-to-Market Charge applies to a Margin Portfolio or Segregated Indirect Participant's portfolio that meets each of the following thresholds: (1) experienced an adverse intraday mark-to-market change that equals or exceeds a certain threshold dollar amount (not less than $1 Million) as compared to the mark-to-market amount reflected either in the last Funds-Only Settlement Amount, or Intraday Mark-to-Market Charge, as applicable, for the Margin Portfolio or Segregated Indirect Participant's portfolio (the ''Dollar Threshold''); (2) experienced an adverse intraday mark-to-market change that equals or exceeds a certain threshold percentage (not less than 10 percent) as compared to the last calculated VaR Charge for the Margin Portfolio or Segregated Indirect Participant's portfolio (the ''Percentage Threshold''); and (3) has either (a) fewer than 100 trading days in a rolling 12-month period, or (b) 12-month backtesting coverage below a certain threshold percentage as determined by FICC from time to time (the ''Trading Day Threshold/Coverage Target''). The Proposed Rule Change also states that FICC will notify Members of changes to any of these parameters via an Important Notice.

The Proposed Rule Change also states that, if volatile market conditions occur, FICC may: (1) reduce the Dollar Threshold (but not to less than $250,000); (2) reduce the Percentage Threshold (but not to less than five percent); or (3) modify or not consider the 12-month Trading Day Threshold/Coverage Target. Examples of volatile market conditions outlined in the Proposed Rule Change include, but are not limited to, the occurrence of sudden swings in U.S. Treasury yields or mortgage-backed security spreads outside of historically observed market moves and/or conditions contributing to intraday risk exposures that, in aggregate, materially exceed intraday risk exposures observed under normal market conditions. FICC will provide Members with a minimum of one business day advance notice of changes to any parameter due to volatile market conditions via an Important Notice.

Lastly, the Proposed Rule Change states that FICC may waive the imposition, or decrease the amount, of the Intraday Mark-to-Market Charge. FICC may determine that the adverse intraday mark-to-market change in the portfolio of the Member or Segregated Indirect Participant and/or breaches of the thresholds noted in the previous paragraph do not accurately reflect FICC's risk exposure from these intraday mark-to-market fluctuations. The Proposed Rule Change states that one example, though not the only, of a circumstance where a waiver or decrease of the Intraday Mark-to-Market Charge may be appropriate is when there are large mark-to-market fluctuations arising out of trade errors. All waiver and/or reduction of the Intraday Mark-to-Market Charge shall be approved, documented and reviewed on a regular basis pursuant to FICC's procedures.

III. Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the Proposed Rule Change should be approved or disapproved.[9] 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 conclusion with respect to any of the issues involved. Rather, the Commission seeks and encourages interested persons to comment on the Proposed Rule Change, which would provide the Commission with arguments to support the Commission's analysis as to whether to approve or disapprove the Proposed Rule Change.

Pursuant to Section 19(b)(2)(B) of the Act,[10] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the Proposed Rule Change's consistency with Section 17A of the Act [11] and the rules thereunder, including the following provisions:

- Section 17A(b)(3)(F) of the Act,[12] which requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, as well as to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and to protect investors and the public interest;
- Rule 17ad–22(e)(4)(i) under the Act,[13] which requires each CCA to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence;
- Rule 17ad–22(e)(6)(i) under the Act,[14] which requires each covered clearing agency (''CCA'') to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover, if the CCA provides central counterparty (''CCP'') services, its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market, and, if the CCA provides CCP services for U.S. Treasury securities, calculates, collects, and holds margin amounts from a direct participant for its proprietary positions in Treasury securities separately and independently from margin calculated and collected from that direct participant in connection with U.S. Treasury securities transactions by an indirect participant that relies on the services provided by the direct participant to access the CCA's payment, clearing, or settlement facilities; and.
- Rule 17ad–22(e)(6)(ii) under the Act,[15] which requires each CCA establish, implement, maintain and enforce written policies and procedures reasonably designed to cover, if the CCA provides CCP services, its credit

[9] 15 U.S.C. 78s(b)(2)(B).

[10] *Id.*

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78q–1(b)(3)(F).

[13] 17 CFR 240.17ad–22(e)(4)(i).

[14] 17 CFR 240.17ad–22(e)(6)(i).

[15] 17 CFR 240.17ad–22(e)(6)(ii).

exposures to its participants by establishing a risk-based margin system that, at a minimum: (A) marks participant positions to market and collects margin (including variation margin or equivalent charges if relevant) at least daily; (B) monitors intraday exposures on an ongoing basis; (C) includes the authority and operational capacity to make intraday margin calls, as frequently as circumstances warrant, including the following thresholds: (1) when risk thresholds specified by the CCA are breached, or (2) when the products cleared or markets served display elevated volatility; and, (D) documents when the CCA determines not to make an intraday call pursuant to its written policies and procedures required under Rule 17ad–22(e)(6)(ii)(C).

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 Proposed Rule Changes. In particular, the Commission invites the written views of interested persons concerning whether the Proposed Rule Changes are consistent with Section 17A(b)(3)(F) and Rules 17Ad–22(e)(4)(i), 17ad–22(e)(6)(i), 17ad–22(e)(6)(ii), 17ad–22(e)(19) and 17ad–22(e)(23)(ii) of the Exchange Act, or any other provision of the Exchange Act, or 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(g) under the Exchange Act, any request for an opportunity to make an oral presentation.[16]

The Commission asks that commenters address the sufficiency of FICC's statements in support of the Proposed Rule Changes, which are set forth in the Notices of Filing [17] in addition to any other comments they may wish to submit about the Proposed Rule Changes.

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–FICC–2025–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–FICC–2025–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the Proposed Rule Changes that are filed with the Commission, and all written communications relating to the Proposed Rule Changes 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 such filing also will be available for inspection and copying at the principal office of FICC and on FICC's website (*https://www.dtcc.com/legal/sec-rule-filings*).

Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to File Number SR–FICC–2025–005 and should be submitted on or before July 17, 2025. Rebuttal comments should be submitted by July 31, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18] June 26, 2025

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11734 Filed 6–25–25; 8:45 am]

BILLING CODE 8011–01–P

[16] Section 19(b)(2) of the Exchange Act grants to 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 Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[17] *See* Notice of Filing, *supra* note 3.

[18] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103295; File No. 4–858]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing of Proposed Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and Green Impact Exchange, LLC

June 23, 2025.

Pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 17d–2 thereunder,[2] notice is hereby given that on June 10, 2025, the Financial Industry Regulatory Authority, Inc. (''FINRA'') and Green Impact Exchange, LLC (''GIX'') (together with FINRA, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a plan for the allocation of regulatory responsibilities, dated June 10, 2025 (''17d–2 Plan'' or the ''Plan''). The Commission is publishing this notice to solicit comments on the 17d–2 Plan from interested persons.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[4] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act [5] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[6] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[5] 15 U.S.C. 78q(d)(1).

[6] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[7] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[8] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[9] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

[7] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[8] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[9] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

II. Proposed Plan

The proposed 17d–2 Plan is intended to reduce regulatory duplication for firms that are common members of both GIX and FINRA.[10] Pursuant to the proposed 17d–2 Plan, FINRA would assume certain examination and enforcement responsibilities for common members with respect to certain applicable laws, rules, and regulations.

The text of the Plan delineates the proposed regulatory responsibilities with respect to the Parties. Included in the proposed Plan is an exhibit (the ''GIX Certification of Common Rules,'' referred to herein as the ''Certification'') that lists every GIX rule, and select federal securities laws, rules, and regulations, for which FINRA would bear responsibility under the Plan for overseeing and enforcing with respect to GIX members that are also members of FINRA and the associated persons therewith (''Dual Members'').

Specifically, under the 17d–2 Plan, FINRA would assume examination and enforcement responsibility relating to compliance by Dual Members with the rules of GIX that are substantially similar to the applicable rules of FINRA,[11] as well as any provisions of the federal securities laws and the rules and regulations thereunder delineated in the Certification (''Common Rules''). In the event that a Dual Member is the subject of an investigation relating to a transaction on GIX, the plan acknowledges that GIX may, in its discretion, exercise concurrent jurisdiction and responsibility for such matter.[12]

Under the Plan, GIX would retain full responsibility for surveillance and enforcement with respect to trading activities or practices involving GIX's own marketplace, including, without limitation, registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules); its duties as a DEA pursuant to Rule 17d–1 under the Act; and any GIX rules that are not Common Rules.[13]

The text of the proposed 17d–2 Plan is as follows:

[10] The proposed 17d–2 Plan refers to these common members as ''Dual Members.'' *See* Paragraph 1(c) of the proposed 17d–2 Plan.

[11] *See* paragraph 1(b) of the proposed 17d–2 Plan (defining Common Rules). *See also* paragraph 1(f) of the proposed 17d–2 Plan (defining Regulatory Responsibilities). Paragraph 2 of the Plan provides that annually, or more frequently as required by changes in either GIX rules or FINRA rules, the parties shall review and update, if necessary, the list of Common Rules.

[12] *See* paragraph 5 of the proposed 17d–2 Plan.

[13] *See* paragraph 2 of the proposed 17d–2 Plan.

Agreement Between Financial Industry Regulatory Authority, Inc. and Green Impact Exchange, LLC Pursuant to Rule 17d–2 Under the Securities Exchange Act of 1934

This Agreement, by and between the Financial Industry Regulatory Authority, Inc. (''FINRA'') and Green Impact Exchange, LLC (''GIX''), is made this 10th day of June, 2024 (the ''Agreement''), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (the ''Exchange Act'') and Rule 17d–2 thereunder, which permits agreements between self-regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. FINRA and GIX may be referred to individually as a ''party'' and together as the ''parties.''

Whereas, the parties desire to reduce duplication in the examination, surveillance and investigation of their Dual Members (as defined herein) and in the filing and processing of certain registration and membership records; and

Whereas, the parties desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the U.S. Securities and Exchange Commission (the ''SEC'' or ''Commission'') for its approval.

Now, Therefore, in consideration of the mutual covenants contained hereinafter, the parties hereby agree as follows:

1. Definitions

Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

(a) ''GIX Rules'' or ''FINRA Rules'' shall mean the rules of GIX or FINRA, respectively, as the rules of an exchange or association are defined in Exchange Act Section 3(a)(27).

(b) ''Common Rules'' shall mean the GIX Rules that are substantially similar to the applicable FINRA Rules and certain provisions of the Exchange Act and SEC rules set forth on Exhibit 1 in that examination, surveillance or investigation for compliance with such provisions and rules would not require FINRA to develop one or more new examination, surveillance or investigation standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Dual Member's activity, conduct, or

output in relation to such provision or rule; provided, however, Common Rules shall not include the application of the SEC, GIX or FINRA rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Chicago Stock Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca Inc., Investors' Exchange LLC and Long-Term Stock Exchange, Inc. approved by the Commission on September 23, 2020, as may be amended from time to time. Common Rules shall not include any provisions regarding (i) notice, reporting or any other filings made directly to or from GIX, (ii) incorporation by reference of other GIX Rules that are not Common Rules, (iii) exercise of discretion in a manner that differs from FINRA's exercise of discretion including, but not limited to exercise of exemptive authority, by GIX, (iv) prior written approval of GIX and (v) payment of fees or fines to GIX.

(c) ''Dual Members'' shall mean those GIX members that are also members of FINRA and the associated persons therewith.

(d) ''Effective Date'' shall be the date this Agreement is approved by the Commission.

(e) ''Enforcement Responsibilities'' shall mean the conduct of appropriate proceedings, in accordance with the FINRA Code of Procedure (the Rule 9000 Series) and other applicable FINRA procedural rules, to determine whether violations of Common Rules have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under the FINRA Code of Procedure and FINRA's sanction guidelines.

(f) ''Regulatory Responsibilities'' shall mean the examination, surveillance and investigation responsibilities and Enforcement Responsibilities relating to compliance by the Dual Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on Exhibit 1 attached hereto.

2. Regulatory Responsibilities

FINRA shall assume Regulatory Responsibilities for Dual Members. Attached as Exhibit 1 to this Agreement and made part hereof, GIX furnished FINRA with a current list of Common Rules and certified to FINRA that such rules are substantially similar to the corresponding FINRA Rules (the ''Certification''). FINRA hereby agrees that the rules listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in either GIX Rules or FINRA Rules, GIX shall submit an updated list of Common Rules to FINRA for review which shall add GIX Rules not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete GIX Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining rules on the current list of Common Rules continue to be GIX Rules that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, FINRA shall confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibilities'' does not include, and GIX shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) the following (collectively, the ''Retained Responsibilities''):

(a) surveillance, examination, investigation and enforcement with respect to trading activities or practices involving GIX's own marketplace except as otherwise specified in the list of Common Rules in Exhibit 1;

(b) registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules);

(c) discharge of its duties and obligations as a Designated Examining Authority pursuant to Rule 17d–1 under the Exchange Act; and

(d) any GIX Rules that are not Common Rules, except for GIX Rules for any GIX member that operates a facility (as defined in Section 3(a)(2) of the Exchange Act), acts as an outbound router for GIX and is a member of FINRA (''Router Member'') as provided in paragraph 5.

3. No Charge

There shall be no charge to GIX by FINRA for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. FINRA shall provide GIX with ninety (90) days advance written notice in the event FINRA decides to impose any changes to GIX for performing the Regulatory Responsibilities under this Agreement. If FINRA determines to impose a charge, GIX shall have the right at the time of imposition of such charge to terminate this Agreement; provided, however, that FINRA's Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

4. Applicability of Certain Laws, Rules, Regulations or Orders

Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the Commission. To the extent such statute, rule or order is inconsistent with this Agreement, the statute, rule or order shall supersede the provision(s) hereof to the extent necessary for them to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

5. Notification of Violations

(a) In the event that FINRA becomes aware of apparent violations of any GIX Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, FINRA shall notify GIX of those apparent violations for such response as GIX deems appropriate. With respect to apparent violations of any GIX Rules by any Router Member, FINRA shall not make referrals to GIX pursuant to this paragraph 5. Such apparent violations shall be processed by, and enforcement proceedings in respect thereto will be conducted by, FINRA as provided in this Agreement.

(b) In the event that GIX becomes aware of apparent violations of any Common Rules, discovered pursuant to the performance of the Retained Responsibilities, GIX shall notify FINRA of those apparent violations and such matters shall be handled by FINRA consistent with the provisions in this Agreement.

(c) Apparent violations of Common Rules shall be processed by, and enforcement proceedings in respect thereto shall be conducted by FINRA as provided hereinbefore; provided, however, that in the event a Dual Member is the subject of an investigation relating to a transaction on GIX, GIX may in its discretion assume concurrent jurisdiction and responsibility.

(d) Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings.

6. Continued Assistance

(a) FINRA shall make available to GIX all information obtained by FINRA in the performance by it of the Regulatory Responsibilities hereunder with respect to the Dual Members subject to this Agreement. In particular, and not in limitation of the foregoing, FINRA shall furnish GIX any information it obtains about Dual Members which reflects adversely on their financial condition. GIX shall make available to FINRA any information coming to its attention that reflects adversely on the financial condition of Dual Members or indicates possible violations of applicable laws, rules or regulations by such firms.

(b) The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations. Neither party shall assert regulatory or other privileges as against the other with respect to documents or information that is required to be shared pursuant to this Agreement.

(c) The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

7. Dual Member Applications

(a) Dual Members subject to this Agreement shall be required to submit, and FINRA shall be responsible for processing and acting upon all applications submitted on behalf of partners, officers, registered personnel and any other person required to be approved by the GIX Rules and FINRA Rules or associated with Dual Members thereof. Upon request, FINRA shall advise GIX of any changes of allied members, partners, officers, registered personnel and other persons required to be approved by the GIX Rules and FINRA Rules.

(b) Dual Members shall be required to send to FINRA all letters, termination notices or other material respecting the individuals listed in paragraph 7(a).

(c) When as a result of processing such submissions FINRA becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a Dual Member, FINRA shall determine pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep GIX advised of its actions in this regard for such subsequent proceedings as GIX may initiate.

(d) Notwithstanding the foregoing, FINRA shall not review the membership application, reports, filings, fingerprint cards, notices, or other writings filed to determine if such documentation submitted by a broker or dealer, or an associated person therewith or other persons required to register or qualify by examination meets the GIX requirements for general membership or for specified categories of membership or participation in GIX. FINRA shall not review applications or other documentation filed to request a change in the rights or status described in this paragraph 7(d), including termination or limitation on activities, of a member or a participant of GIX, or a person associated with, or requesting association with, a member or participant of GIX.

8. Branch Office Information

FINRA shall also be responsible for processing and, if required, acting upon all requests for the opening, address changes, and terminations of branch offices by Dual Members and any other applications required of Dual Members with respect to the Common Rules as they may be amended from time to time. Upon request, FINRA shall advise GIX of the opening, address change and termination of branch and main offices of Dual Members and the names of such branch office managers.

9. Customer Complaints

GIX shall forward to FINRA copies of all customer complaints involving Dual Members received by GIX relating to FINRA's Regulatory Responsibilities under this Agreement. It shall be FINRA's responsibility to review and take appropriate action in respect to such complaints.

10. Advertising

FINRA shall assume responsibility to review the advertising of Dual Members subject to the Agreement, provided that such material is filed with FINRA in accordance with FINRA's filing procedures and is accompanied with any applicable filing fees set forth in FINRA Rules.

11. No Restrictions on Regulatory Action

Notwithstanding anything else herein and to the contrary, except for paragraph 5(a), nothing contained in this Agreement shall restrict or in any way encumber the right of either party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against Dual Members, as either party, in its sole discretion, shall deem appropriate or necessary.

12. Termination

This Agreement may be terminated by GIX or FINRA at any time upon the approval of the Commission after one (1) year's written notice to the other party, except as provided in paragraph 3.

13. Arbitration

In the event of a dispute between the parties as to the operation of this Agreement, GIX and FINRA hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Each party acknowledges that the timely and complete performance of its obligations pursuant to this Agreement is critical to the business and operations of the other party. In the event of a dispute between the parties, the parties shall continue to perform their respective obligations under this Agreement in good faith during the resolution of such dispute unless and until this Agreement is terminated in accordance with its provisions. Nothing in this paragraph 13 shall interfere with a party's right to terminate this Agreement as set forth herein.

14. Amendment

This Agreement may be amended in writing duly approved by each party. All such amendments must be filed with and approved by the Commission before they become effective.

15. Limitation of Liability

Neither FINRA nor GIX nor any of their respective directors, governors, officers or employees shall be liable to the other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or the other of FINRA or GIX and caused by the willful misconduct of the other party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by FINRA or GIX with respect to any of the responsibilities to be performed by them hereunder.

16. Relief From Responsibility

Pursuant to Sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, the parties join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve GIX of any and all responsibilities with respect to matters allocated to FINRA pursuant to this Agreement; provided, however, that this Agreement shall not be effective until the Effective Date.

17. Severability

Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

18. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

[Remainder of page intentionally left blank.]

* * * * *

Exhibit 1

GIX Certification of Common Rules

GIX hereby certifies that the requirements contained in the rules listed below for GIX are identical to, or substantially similar to, the comparable FINRA Rules, Exchange Act provision or Securities Exchange Act Rule (SEA) rule identified (''Common Rules'').

Common Rules shall not include any provisions regarding (i) notice, reporting or any other filings made directly to or from GIX, (ii) incorporation by reference of GIX Rules that are not Common Rules, (iii) exercise of discretion in a manner that differs from FINRA's exercise of discretion including, but not limited to exercise of exemptive authority, by GIX, (iv) prior written approval of GIX and (v) payment of fees or fines to GIX.

GIX rule	FINRA rule, exchange act provision, SEA rule
Rule 2.140 Prohibited Conditions Relating to Expungement of Customer Dispute	FINRA Rule 2081 Prohibited Conditions Relating to Expungement of Customer Dispute.
Rule 2.150 (b) and (g) Application Procedures for Membership or to become an Associated Person of a Member # .	FINRA Rule 1010(c) and (e) Electronic Requirements for Uniform Forms; and FINRA By-Laws, Art. V, Sec 3 Notification by Member to the Corporation and Associated Person of Termination; Amendments to Notification.
Rule 2.154 Continuing Education #	FINRA Rule 1240 Continuing Education.
Rule 2.160(q) and (r) Registration Requirements and Restrictions on Membership	FINRA Rule 1010(c) and (e) Electronic Requirements for Uniform Forms; and FINRA By-Laws, Art. V, Sec 3 Notification by Member to the Corporation and Associated Person of Termination; Amendments to Notification.
Rule 2.160(m) Registration Requirements and Restrictions on Membership	FINRA Rule 1230 Associated Persons Exempt from Registration.
Rule 2.240 Fidelity Bonds #	FINRA Rule 4360 Fidelity Bonds.
Rule 3.110 Business Conduct of Members **	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.
Rule 3.120 Violations Prohibited **, #	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.
Rule 3.130 Use of Fraudulent Devices **	FINRA Rule 2020 Use of Manipulative, Deceptive or Other Fraudulent Devices.
Rule 3.150 Know Your Customer	FINRA Rule 2090 Know Your Customer.
Rule 3.160 Fair Dealing with Customers * 1	FINRA Rule 2020 Use of Manipulative, Deceptive or Other Fraudulent Devices, FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade, FINRA Rule 2111(a) and SM .06 Suitability, FINRA Rule 2150(a) Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts, and FINRA Rule 3240(a) Borrowing From or Lending to Customers.
Rule 3.170 Suitability	FINRA Rule 2111 Suitability.
Rule 3.180(a) The Prompt Receipt and Delivery of Securities	FINRA Rule 11860 COD Orders.
Rule 3.180(b) The Prompt Receipt and Delivery of Securities	SEA Regulation SHO.
Rule 3.190 Charges for Services Performed	FINRA Rule 2122 Charges for Services Performed.
Rule 3.200 Use of Information Obtained in Fiduciary Capacity **	FINRA Rule 2060 Use of Information Obtained in Fiduciary Capacity.
Rule 3.210 Publication of Transactions and Quotations # **	FINRA Rule 5210 Publication of Transactions and Quotations.
Rule 3.220 Offers at Stated Prices **	FINRA Rule 5220 Offers at Stated Prices.
Rule 3.230 Payments Involving Publications that Influence the Market Price of a Security.	FINRA Rule 5230 Payments Involving Publications that Influence the Market Price of a Security.
Rule 3.240 Customer Confirmations	FINRA Rule 2232(a) Customer Confirmations and SEC Rule 10b–10 Confirmation of Transactions.
Rule 3.250 Disclosure of Control Relationship with Issuer	FINRA Rule 2262 Disclosure of Control Relationship with Issuer.
Rule 3.260 Discretionary Accounts	FINRA Rule 3260 Discretionary Accounts.
Rule 3.270 Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts.	FINRA Rule 2150(a)–(c) and SM .03 Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts.
Rule 3.280 Communications with Customers and the Public	FINRA Rule 2210 Communications with the Public.
Rule 3.290 Customer Disclosures	FINRA Rule 2265 Extended Hours Trading Risk Disclosure.
Rule 3.291 Influencing or Rewarding Employees of Others; Gratuities	FINRA Rule 3220 Influencing or Rewarding Employees of Others.
Rule 3.292 Telemarketing	FINRA Rule 3230 Telemarketing.
Rule 4.511 General Requirements # 2	FINRA Rule 4511 General Requirements.
Rule 4.512 Customer Account Information	FINRA Rule 4512 Customer Account Information.
Rule 4.513 Record of Written Customer Complaints	FINRA Rule 4513 Record of Written Customer Complaints.
Rule 4.550 Disclosure of Financial Condition	FINRA Rule 2261 Disclosure of Financial Condition.
Rule 5.110 Supervision **, 3	FINRA Rule 3110 Supervision.
Rule 5.120 Supervisory Control System # **	FINRA Rule 3120 Supervisory Control System.
Rule 5.130 Annual Certification of Compliance and Supervisory Processes #	FINRA Rule 3130 Annual Certification of Compliance and Supervisory Processes.
Rule 5.150. Prevention of the Misuse of Material, Non-Public Information	FINRA Rule 3110 Supervision (b)(1),(d).
Rule 5.160 Anti-Money Laundering Compliance Program #	FINRA Rule 3310 Anti-Money Laundering Compliance Program.
Rule 5.170 Transactions for or by Associated Persons	FINRA Rule 3210 Accounts At Other Broker-Dealers and Financial Institutions.
Rule 6.120 Failure to Deliver and Failure to Receive	Regulation SHO Rules 200 and 203.
Rule 6.130(a), (b), (d) and (e) Forwarding of Proxy and Other Issuer-Related Materials; Proxy Voting.	FINRA Rule 2251 Processing and Forwarding of Proxy and Other Issuer-Related Materials.
Rule 10.110 Market Manipulation	FINRA Rule 6140 Other Trading Practices.
Rule 10.120 Fictitious Transactions	FINRA Rule 6140 Other Trading Practices and FINRA Rule 5210 Supplementary Material .02 Self-Trades.
Rule 10.130 Excessive Sales by a Member	FINRA Rule 6140(c) Other Trading Practices.

GIX rule	FINRA rule, exchange act provision, SEA rule
Rule 10.140 Manipulative Transactions	FINRA Rule 6140 Other Trading Practices.
Rule 10.150 Dissemination of False Information	FINRA Rule 6140(e) Other Trading Practices.
Rule 10.160 Prohibition Against Trading Ahead of Customer Orders # **	FINRA Rule 5320 Prohibition Against Trading Ahead of Customer Orders.
Rule 10.180 Influencing the Consolidated Tape	FINRA Rule 6140(a) Other Trading Practices and FINRA Rule 5210 Publication of Transactions and Quotations.
Rule 10.190 Trade Shredding	FINRA Rule 5290 Order Entry and Execution Practices.
Rule 10.220 Best Execution and Interpositioning **	FINRA Rule 5310 Best Execution and Interpositioning.
Rule 10.240 Trading Ahead of Research Reports	FINRA Rule 5280 Trading Ahead of Research Reports.
Rule 10.260 Front Running of Block Transactions **	FINRA Rule 5270 Front Running of Block Transactions.
Rule 11.151(f) Market Maker Obligations **	FINRA Rule 6240(a)–(c), (d)(1) and (2) Prohibition from Locking or Crossing Quotations in NMS Stocks.
Rule 11.281(a)(3) & (4) Limit Up-Limit Down Mechanism	FINRA Rule 6190(a) and (b) Compliance with Regulation NMS Plan to Address Extraordinary Market Volatility.
Rule 11.160 Distributions of Listed Securities Subject to Regulation M	FINRA Rule 5190 Notification Requirements for Offering Participants.
Rule 11.310 Locking or Crossing Quotations in NMS Stocks **	FINRA Rule 6240 Prohibition from Locking or Crossing Quotations in NMS Stocks.
Rule 12.110(c) Arbitration	FINRA Rule 2268 Requirements When Using Predispute Arbitration Agreements for Customer Accounts.

[1] FINRA shall not have Regulatory Responsibilities regarding .01 of GIX Rule 3.16.
[2] FINRA shall not have Regulatory Responsibilities regarding requirements to keep records ''in conformity with . . . Exchange Rules;'' responsibility for such requirement remains with GIX.
[3] FINRA Rule 3110.18 permits certain FINRA Members to participate in a three-year remote inspections pilot program under specified conditions. FINRA Rule 3110.19 provides an exemption from branch office registration for members that conduct specified supervisory activities from a residential location. No such standards currently exist in the rules of GIX. As a result, FINRA shall not have Regulatory Responsibilities for GIX 5.110 as it concerns Dual Members that have elected to participate in the FINRA Rule 3110.18 pilot program or have availed themselves of the exemption from branch office registration in FINRA Rule 3110.19.

In addition, the following provisions shall be part of this 17d–2 Agreement:

- SEA Rule 200 of Regulation SHO—Definition of Short Sales and Marking Requirements **
- SEA Rule 201 of Regulation SHO—Circuit Breaker **
- SEA Rule 203 of Regulation SHO—Borrowing and Delivery Requirements **
- SEA Rule 204 of Regulation SHO—Close-Out Requirement **
- SEA Rule 101 of Regulation M—Activities by Distribution Participants **
- SEA Rule 102 of Regulation M—Activities by Issuers and Selling Security Holders During a Distribution **
- SEA Rule 103 of Regulation M—Nasdaq Passive Market Making **
- SEA Rule 104 of Regulation M—Stabilizing and Other Activities in Connection with an Offering **
- SEA Rule 105 of Regulation M—Short Selling in Connection With a Public Offering **
- SEA Rule 604 of Regulation NMS—Display of Customer Limit Orders **
- SEA Rule 606 of Regulation NMS—Disclosure of Routing Information ^
- SEA Rule 610(d) of Regulation NMS—Locking or Crossing Quotations **
- SEA Rule 611 of Regulation NMS—Order Protection Rule ^
- SEA Rule 10b–5 Employment of Manipulative and Deceptive Devices ^
- SEA Rule 17a–3—Records to Be Made by Certain Exchange Members, Brokers and Dealers, and SEA Rule 17a–4—Records to Be Preserved by Certain Exchange Members, Brokers, and Dealers ^

** In addition to performing examinations and Enforcement Responsibilities as provided in this Agreement for the double star rules, FINRA shall also perform the surveillance and investigation responsibilities for the double star rules. These rules may be cited by FINRA in both the context of this Agreement and the Regulatory Services Agreement between FINRA and GIX.

* FINRA shall not have any Regulatory Responsibilities for these rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange Inc., Cboe EDGX Exchange Inc., Financial Industry Regulatory Authority, Inc., MEMX, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange, LLC, NYSE American LLC, NYSE Arca Inc., Investors' Exchange LLC, and the Long-Term Stock Exchange, Inc. as approved by the SEC on September 23, 2020, as may be amended from time to time.

^ FINRA shall perform the surveillance and investigation responsibilities for these rules. The examination responsibility for these rules is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., BOX Exchange LLC, Cboe Exchange, Inc., Cboe C2 Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX LLC, Nasdaq ISE, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, Investors Exchange LLC, Miami International Securities Exchange, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, MIAX Sapphire, LLC, The Nasdaq Stock Market LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc. and Long-Term Stock Exchange, Inc. as approved by the SEC on August 1, 2024 concerning covered Regulation NMS and Consolidated Audit Trail Rules, as may be amended from time to time.

III. Date of Effectiveness of the Proposed Plan and Timing for Commission Action

Pursuant to Section 17(d)(1) of the Act[14] and Rule 17d–2 thereunder,[15] after July 17, 2025, the Commission may, by written notice, declare the plan submitted by GIX and FINRA, File No. 4–858, to be effective if the Commission finds that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system and a national system for the clearance and settlement of securities transactions and in conformity with the factors set forth in Section 17(d) of the Act.

IV. Solicitation of Comments

In order to assist the Commission in determining whether to approve the proposed 17d–2 Plan and to relieve GIX of the responsibilities which would be assigned to FINRA, interested persons are invited to submit written data, views, and arguments concerning the

[14] 15 U.S.C. 78q(d)(1).
[15] 17 CFR 240.17d–2.

foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number 4–858 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–858. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of GIX and FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number 4–858 and should be submitted on or before July 17, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11733 Filed 6–25–25; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–103296; File No. SR–NYSEARCA–2025–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the Sprott Physical Copper Trust

June 23, 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 10, 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Rule 8.201–E: Sprott Physical Copper Trust (''Trust''). 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 list and trade the units (''Units'') of the Trust under NYSE Arca Rule 8.201–E.[4] Under NYSE Arca Rule 8.201–E(a), the Exchange may propose to list and/or trade pursuant to unlisted trading privileges (''UTP''), ''Commodity-Based Trust Shares.''[5] The Commission has previously approved listing on the Exchange of other issues of Commodity-Based Trust Shares, including units of the Sprott Physical Gold Trust,[6] Sprott Physical Silver Trust,[7] and Sprott Physical Gold and Silver Trust.[8] The Commission has also previously approved listing on the Exchange of shares of the JPM XF Physical Copper Trust[9] and the iShares Copper Trust.[10] The Commission has also previously approved listing on the Exchange under NYSE Arca Rules 5.2–E(j)(5) and 8.201–E of other precious metals-based commodity trusts, including: Merk Gold Trust;[11] ETFS Gold Trust;[12] ETFS

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Trust will file with the Commission a registration statement on Form 40–F to register the Units (''Registration Statement'') under Section 12 of the Securities Exchange Act of 1934, as amended, and will file with the Commission as part of such Registration Statement all information material to an investment decision that the Trust, since the beginning of its last full fiscal year: (i) made or was required to make public pursuant to the law of any Canadian jurisdiction, (ii) filed or was required to file with a stock exchange on which its securities are traded and which was made public by such exchange, or (iii) distributed or was required to distribute to its securityholders. The Registration Statement is not yet effective, and shares of the Units will not trade on the Exchange until such time that the Registration Statement is effective.

[5] The term ''Commodity-Based Trust Shares'' means a security (a) that is issued by a trust that holds a specified commodity deposited with the trust; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity. *See* NYSE Arca Rule 8.201–E(c)(1).

[6] *See* Securities Exchange Act Release No. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113) (approving listing on the Exchange of Sprott Physical Gold Trust).

[7] *See* Securities Exchange Act Release No. 63043 (October 5, 2010), 75 FR 62615 (October 12, 2010) (SR–NYSEArca–2010–84) (approving listing on the Exchange of the Sprott Physical Silver Trust).

[8] *See* Securities Exchange Act Release No. 34–82448 (January 5, 2018), 83 FR 1428 (November 1, 2018) (SR–NYSEArca–2017–131) (approving listing on the Exchange of the Sprott Physical Gold and Silver Trust).

[9] *See* Securities Exchange Act Release No. 69256 (March 28, 2013), 78 FR 20164 (April 3, 2013 (SR–NYSEArca–2012–28) (approving listing on the Exchange of the JPM XF Physical Copper Trust).

[10] *See* Securities Exchange Act Release No. 68973 (February 22, 2013), 78 FR 13726 (February 28, 2013) (SR–NYSEArca–2012–66) (approving listing on the Exchange of the iShares Copper Trust).

[11] *See* Securities Exchange Act Release No. 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137) (approving listing on the Exchange of the Merk Gold Trust).

[12] *See* Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40) (approving listing on the Exchange of the ETFS Gold Trust).

Platinum Trust; [13] ETFS Palladium Trust; [14] APMEX Physical-1 oz. Gold Redeemable Trust; [15] iShares Silver Trust; [16] iShares COMEX Gold Trust; [17] Long Dollar Gold Trust.[18] Prior to their listing on the Exchange, the Commission approved listing of the streetTRACKS Gold Trust on the New York Stock Exchange LLC (''NYSE'') [19] and listing of iShares COMEX Gold Trust and iShares Silver Trust on the American Stock Exchange LLC (''Amex'').[20] In addition, the Commission has approved trading of the streetTRACKS Gold Trust and iShares Silver Trust on the Exchange pursuant to UTP.[21]

Sprott Asset Management LP is the manager of the Trust (''Manager'').[22] WMC Energy B.V. (''WMC'') serves as technical advisor to the Manager and advises and assists with respect to the holding, buying and selling of physical copper.[23] RBC Investor Services Trust (''RBC'') is the trustee and valuation agent of the Trust (''Trustee'' or ''Valuation Agent,'' as the case may be) [24] and the custodian of the Trust's assets that it holds, including cash, if any.[25] TSX Trust Company is the transfer agent and registrar of the Trust (''Transfer Agent'').

The Trust is a closed-end trust established under the laws of the Province of Ontario and is managed by the Manager. According to the Registration Statement, the investment objective of the Trust is to invest and hold substantially all of its assets in physical copper metal in either Grade 1 Cathode [26] form or Grade A Cathode [27] form that is fully allocated or stored at a Facility (''Copper''),[28] and cash. The Trust seeks to provide a secure, convenient and exchange-traded investment alternative for investors interested in holding Copper. The Trust intends to achieve its objective by investing primarily in long-term holdings of unencumbered Copper and will not speculate with regard to short-term changes in Copper prices.

Units of the Trust currently trade on the Toronto Stock Exchange (the ''TSX'') under the symbol ''COP.U'' in U.S. dollars and ''COP.UN'' in Canadian dollars.

The Exchange represents that the Units satisfy the requirements of NYSE Arca Rule 8.201–E and thereby qualify for listing on the Exchange.[29]

Organization of the Trust

According to the Registration Statement, the Trust was established as of April 12, 2024 under the laws of the Province of Ontario, Canada, and its provisions and features are set out in an amended and restated trust agreement dated as of May 10, 2024 (the ''Trust Agreement''). Pursuant to the Exemptive Relief granted to the Trust, the Trust is not subject to certain of the policies and regulations of the Canadian Securities Administrators that apply to other non-redeemable investment funds.[30]

Operation of the Trust

According to the Registration Statement, the investment objective of the Trust is to invest and hold substantially all of its assets in Copper. The Trust will not hold any assets other than Copper and cash. The Trust does not anticipate making regular cash distributions to Unitholders.

The Trust will not invest in futures, options, warrants, options on futures, swap contracts, or warehouse receipts.

[13] *See* Securities Exchange Act Release No. 61219 (December 22, 2009), 74 FR 68886 (December 29, 2009) (SR–NYSEArca–2009–95) (approving listing on the Exchange of the ETFS Platinum Trust).

[14] *See* Securities Exchange Act Release No. 61220 (December 22, 2009), 74 FR 68895 (December 29, 2009) (SR–NYSEArca–2009–94) (approving listing on the Exchange of the ETFS Palladium Trust).

[15] *See* Securities Exchange Act Release No 66930 (May 7, 2012), 77 FR 27817 (May 11, 2012) (SR–NYSEArca–2012–18) (approving listing on the Exchange of the APMEX Physical-1 oz. Gold Redeemable Trust).

[16] *See* Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR–NYSEArca–2008–124) (approving listing on the Exchange of the iShares Silver Trust).

[17] *See* Securities Exchange Act Release Nos. 56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (approving listing on the Exchange of the streetTRACKS Gold Trust); and 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca–2007–43) (order approving listing on the Exchange of iShares COMEX Gold Trust).

[18] *See* Securities Exchange Act Release No. 79518 (December 9, 2016), 81 FR 90876 (December 15, 2016) (SR–NYSEArca–2016–84) (order approving listing and trading of shares of the Long Dollar Gold Trust).

[19] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of streetTRACKS Gold Trust on NYSE).

[20] *See* Securities Exchange Act Release Nos. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (order approving listing of iShares COMEX Gold Trust on AMEX); 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–72) (approving listing of the iShares Silver Trust on AMEX).

[21] *See* Securities Exchange Act Release Nos. 53520 (March 20, 2006), 71 FR 14977 (March 24, 2006) (SR–PCX–2005–117) (approving trading on the Exchange pursuant to UTP of the iShares Silver Trust); 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (approving trading on the Exchange of the streetTRACKS Gold Trust pursuant to UTP).

[22] The Manager is a limited partnership formed and organized under the laws of the Province of Ontario, Canada, and acts as manager of the Trust pursuant to the Trust Agreement and the management agreement. The Manager is responsible for the day-to-day activities and administration of the Trust. The Manager manages and directs the business and affairs of the Trust. Additional details regarding the Manager are set forth in the Registration Statement. The Manager has adopted a policy pursuant to which any entity or account that is: (a) managed; or (b) for whom investment decisions are made, directly or indirectly, by a person that is involved in the decision-making process of, or has non-public information about, follow-on offerings of the Trust is prohibited from investing in the Trust, and no such decision-making person is permitted to invest in the Trust for that decision-making person's benefit, directly or indirectly. The Manager has a fiduciary responsibility under applicable Canadian law to act in the best interest of the Trust.

[23] WMC is an independent physical commodity merchant and industrial asset development company established to provide physical supply chain solutions to the nuclear and energy transition metals industries, and sources, stores, finances and delivers physical commodities worldwide.

[24] RBC is a trust company existing under the laws of Canada. RBC is affiliated with a broker-dealer. RBC has represented to the Exchange that it has put in place and will maintain the appropriate information barriers and controls between itself and the broker-dealer affiliate so that the broker-dealer affiliate will not have access to information concerning the composition and/or changes to the Trust's holdings that are not available on the Trust's website. The Trustee holds title to the Trust's assets on behalf of the unitholders of the Trust (''Unitholders'') and has exclusive authority over the assets and affairs of the Trust, but has delegated the day-to-day activities and administration of the affairs of the Trust to the Manager. The Trustee has a fiduciary responsibility to act in the best interest of the Unitholders. Additional details regarding the Trustee are set forth in the Registration Statement.

[25] According to the Registration Statement, the Trustee is responsible for the safekeeping of all of the assets of the Trust delivered to it and acts as the custodian of such assets. The Trustee is not responsible for the safekeeping of the Trust's physical copper. The Manager, with the consent of the Trustee, has the authority to change the custodial arrangement, including, but not limited to, the appointment of a replacement custodian and/or additional custodians. Additional details regarding the Trustee and the custodial arrangements of the Trust are set forth in the Registration Statement.

[26] The term ''Grade 1 Cathode'' means a physical copper metal cathode that, at the time of purchase by the Trust, satisfies the CME standards for classification as a Grade 1 electrolytic copper cathode.

[27] The term ''Grade A Cathode'' means a physical copper metal cathode that, at the time of purchase by the Trust, satisfies the LME standards for classification as Grade A copper.

[28] References to ''Copper'' refers to physical copper metal in any form.

[29] With respect to application of Rule 10A–3 (17 CFR 240.10A–3) under the Exchange Act, the Trust relies on the exemption contained in Rule 10A–3(c)(7).

[30] The Trust has obtained exemptive relief from the Canadian securities regulatory authorities for relief from certain requirements of National Instrument 81–102—*Investment Funds,* legislation which governs mutual funds and non-redeemable investment funds in each of the provinces and territories of Canada (''Exemptive Relief''), to permit the Trust to, among other things, appoint the Facilities (as defined in the Registration Statement) as custodians of the Trust's Copper.

The Trust will not hold or trade in commodity futures contracts, ''commodity interests,'' or any other instruments regulated by the Commodity Exchange Act (''CEA'').[31]

The Trust will issue Units, each of which represents an equal, fractional undivided ownership interest in the net assets of the Trust attributable to the particular class of Units. Except with respect to cash held by the Trust to pay expenses and anticipated redemptions, the Trust expects to own only Copper. The investment objective of the Trust is for the Units to reflect the performance of the price of Copper, less the expenses of the Trust's operations.

The Trust is not actively managed and does not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the price of Copper. The Trust is neither an investment company registered or required to be registered under the Investment Company Act of 1940,[32] nor a commodity pool for purposes of the CEA, and neither the Manager nor the Trustee is subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the operation of the Trust.

According to the Registration Statement, the Trust will store its Copper with Warehouse Providers (as defined in the Registration Statement) at Facilities that are reputable and exclusively in warehouses that are approved by the Chicago Mercantile Exchange (''CME'') or the London Metal Exchange (''LME''), which is the main global market standard for physical metal warehousing services that is accepted by market participants and financiers.[33]

According to the Registration Statement, the Trust will only store Copper with such Facilities at locations in Belgium, Canada, Germany, Italy, Malaysia, the Netherlands, Singapore, South Korea, Spain, Sweden, the United Arab Emirates and the United States. In addition, the Manager will maintain market standard insurance for the physical Copper stored with Warehouse Providers. Finally, the Facilities to be used by the Trust are owned or contracted by the Warehouse Providers, which are well-regarded multi-national providers of global storage for physical metals.

[31] 17 U.S.C. 1.

[32] 15 U.S.C. 80a–1.

[33] The Manager, with the consent of the Trustee, has the authority to change the storage arrangements of the Trust. Additional details regarding the Facilities and the storage arrangements of the Trust are set forth in the Registration Statement.

Overview of the Copper Industry

According to the Registration Statement, copper is a metallic element that occurs naturally in sulfide, carbonate and silicate deposits.[34] Copper's physical, chemical and aesthetic properties make it the material of choice in a diverse range of electrical, communication, construction, transportation, industrial machinery and equipment, and general consumer applications. These properties include:

- *Electrical conductivity:* Copper has the highest electrical conductivity of any non-precious metal. Because of its electrical conductivity, copper is often used in electrical wiring and conductors, and has become a key component in clean power generation technologies including solar, wind and batteries.
- *Heat conductivity:* Copper is one of the best performing metals for heat conductivity, leading to its frequent use in heat exchange equipment, radiators, and cooling systems.
- *Corrosion resistance:* Copper is naturally resistant to corrosion, making it suitable for use in marine and other challenging environments, such as underwater vessels, tanks, piping exposed to seawater, propellers, oil platforms and coastal power stations.
- *Malleability and ductility:* Copper can be shaped into various forms without breaking or compromising its performance, leading to its frequent use in the manufacturing of wiring, tubing, and other industrial components.
- *Strength:* Copper has sufficient strength and durability to withstand mechanical stresses without easily deforming or breaking, making it suitable for certain structural applications.
- *Antimicrobial properties:* Copper has antimicrobial properties which inhibit microorganism growth on its surface, allowing for use in healthcare, food processing and HVAC applications.

In addition, when alloyed with other metals, such as zinc (to form brass), aluminum or tin (to form bronzes), or nickel, copper acquires new characteristics for use in specialized applications such as shipbuilding, automobiles and home appliances.

Copper is typically produced into and sold in the form of cathodes for which globally accepted specification standards apply. Market quotations exist for the base price of copper on exchanges such as the CME and the LME, which are further supplemented by cathode premia for specific locations and grades of copper. In 2023, global copper usage amounted to approximately 31.2Mt, making the copper market one of the largest base metals markets in the world.[35]

[34] International Copper Study Group—The World Copper Factbook 2023.

Operation of the Copper Market

According to the Registration Statement, the copper market is one of the largest and most liquid base metal markets globally. For the North American market, COMEX (owned by CME) is the leading market venue for copper in the United States while the LME is the leading market venue for other regions, including Europe and Asia. Standards for copper have been established by CME (*i.e.,* Grade 1 Cathode) and LME (*i.e.,* Grade A Cathode) that are based on the chemical composition of the copper as recognized by market participants around the world.

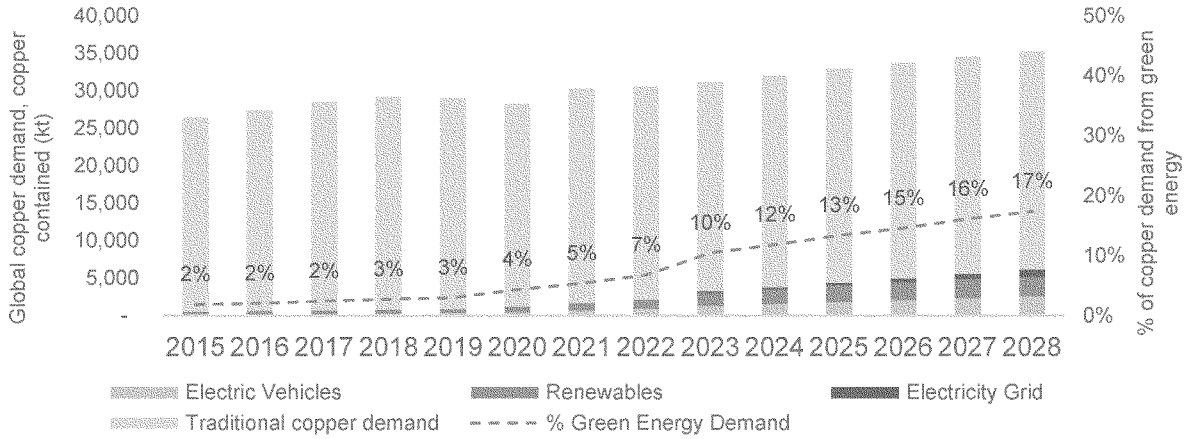
The CME and LME publish prices for copper on a daily basis. These prices are then generally subject to either a premium or discount, which is determined by various commercial and logistical factors. As copper is used in many different industrial processes, its location relative to the place of consumption is highly important for determining the premium or discount. Different premium levels are published by price reporters for different locations reflecting the supply and demand dynamics of the specific location. In addition, specific brands of copper can also trade at a premium or discount subject to a buyer's preference for that brand. Fundamentally, copper that is stored in a location that is low in supply and high in demand will carry a higher premium than copper that is stored in a location where supply is generally high, and demand is low.

According to the Registration Statement, any copper purchased by the Trust will be, at the time of purchase, either Grade 1 Cathode or Grade A Cathode, or equivalent quality of cathodes. In addition, the Manager and Technical Advisor are committed to incorporating ESG principles into the sourcing of the copper purchased for the Trust. This means that the Trust will follow the rules for Responsible Sourcing as set by the LME. For brands that are not approved by the LME, the Trust will only source such copper if the supplier guarantees to use reasonable commercial efforts to comply with the Ten Principles of the UN Global Compact and the OECD Due Diligence Guidance for Responsible Mineral Supply Chains. All procurement of copper by the Trust will comply with applicable sanctions laws.

[35] CRU—March 2024.

According to the Registration Statement, the copper market is large and mature. The size of the copper market was approximately $183 billion in 2022,[36] making it the third largest global metals market behind iron ore and gold. Copper's large market size and wide-ranging applications have historically made its price a barometer of the global economy.

In anticipation of growing copper demand and in recognizing that clean energy technologies require significantly greater copper than traditional energy sources, world governments, including the United States,[37] Canada,[38] the European Union [39] and Australia,[40] among others, have added copper to their lists of critical and/or strategic materials. Due to copper's distinctive properties, including electrical and thermal conductivity, ductility, malleability, and corrosion resistance, in addition to considerations of cost and availability, there is limited substitution risk for copper in its existing applications.



Source: CRU – March 2024

The global energy transition is driving increased demand for commodities, in particular copper. The expansion of copper-intensive infrastructure, such as power grids, electric vehicles and clean energy technologies coincide with an anticipated 165% increase in global electricity consumption by 2050.[41]

Copper Supply and Demand

According to the Registration Statement, in 2023, copper supply and demand returned to relative equilibrium, following a supply deficit in 2022. Due to the supply deficit, copper prices on the LME reached a high of approximately US$11,000 in the first quarter of 2022, before falling to approximately US$8,000 in 2023.

The global copper supply currently faces challenges due to declining ore grades of existing copper mines and the long lead time required for new mine development. In addition, the ore bodies of existing copper mines have been declining in quality, which increases production costs and makes mine expansion challenging. Currently, copper ore grades are typically discovered at 1% purity or less, whereas copper ore grades discovered in the 19th century typically exceeded 5% purity.[42]

Copper supply disruptions also negatively impact the global copper supply. A recent example is the closure of the Cobre Panama copper mine in 2023, which accounted for approximately 1.5% of global mined copper production prior to its closure.[43] In 2023, Chile produced approximately 24% of global mined copper production, the most of any country. Peru and the Democratic Republic of Congo each produced approximately 12% of global mined copper production, followed by China and the United States at approximately 8% and 5%, respectively.

[36] USGS Mineral Commodity Summaries, 2023.

[37] US Department of Energy, 2023 final critical materials list.

[38] The Canadian Critical Minerals Strategy 2022.

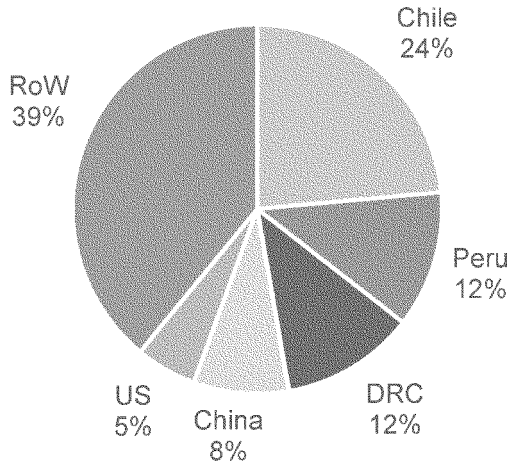
[39] European Commission, 2023 list of critical raw materials for the EU.

[40] Australia's Critical Minerals List and Strategic Materials List 2024.

[41] IEA World Energy Outlook 2023 Net Zero Emissions Scenario.

[42] S&P Global, The Future of Copper.

[43] *Mining.com,* Cobre Panama: How a $10 billion copper mine is now sitting idle in the jungle, April 2024.



Source: CRU – March 2024

From 2025 to 2026, the copper market is forecasted to be in a slight supply deficit, which deficit is expected to increase in subsequent years due to supply and demand dynamics. From 2027 to 2028, there may be a significant supply deficit driven by lower growth in copper supply.

A key driver of growth in the demand for copper beyond 2028 is expected to be electricity consumption, which is forecasted to increase 165% [44] by 2050 due to the greater adoption of clean energy technologies by energy producers and consumers, globally.[45] In anticipation of growing copper demand and in recognizing that clean energy technologies require significantly greater copper than traditional energy sources, world governments, including the United States,[46] Canada,[47] the European Union [48] and Australia,[49] among others, have added copper to their lists of critical and/or strategic materials.

Description of Units

According to the Registration Statement, the Trust is authorized to issue an unlimited number of units in one or more classes and series of a class. Currently, the Trust has issued only one class or series of Units.[50] All Units of the same class or series of a class will have equal rights and privileges with respect to all matters, including voting, receipt of distributions from the Trust, liquidation and other events in connection with the Trust. Units and fractions thereof are issued only as fully paid and non-assessable. Units will have no preference, conversion, exchange or pre-emptive rights. In addition, subject to limitations and requirements determined from time to time by the Manager, each unit of a particular class or series of a class of the Trust may be redesignated by the Manager as a unit of another class or series of the Trust.

As noted above, each Unit represents an equal, fractional, undivided ownership interest in the net assets of the Trust attributable to the particular class of Units. The Trust may issue additional Units (i) in future offerings if the gross proceeds received by the Trust per Unit are not less than 100% of the most recently calculated NAV; (ii) by way of distribution in Units in connection with an income distribution; or (iii) with the approval of Unitholders by extraordinary resolution.

Redemption of Units

According to the Registration Statement, the Trust does not intend to issue new Units, or redeem existing Units, on a day-to-day basis. Units may be redeemed at the option of a Unitholder on a monthly basis for physical Copper or cash.[51]

Redemption for Physical Copper

Subject to the terms of the trust agreement and the Manager's right to suspend redemptions under certain circumstances described in the Registration Statement, Units may be redeemed at the option of a Unitholder for physical Copper in any calendar month.

According to the Registration Statement, Units redeemed for Copper shall have a redemption value equal to the aggregate value of the Class Net Asset Value per Unit [52] of the redeemed Units as at the valuation time (as determined by the Manager) on the last Business Day, as defined herein, of the calendar month in which the redemption request is processed (the ''Redemption Date''), less redemption and delivery expenses. Redemption requests for Copper must be for amounts that are at least equivalent in value of one Minimum Physical Redemption Lot [53] or an integral multiple thereof, plus applicable expenses. Any fractional amount of redemption proceeds payable in excess of one Minimum Physical Redemption Lot, or an integral multiple thereof, will be paid in Copper or the

[44] IEA World Energy Outlook 2023 Net Zero Emissions Scenario.

[45] IEA—World Energy Outlook 2023.

[46] US Department of Energy, 2023 final critical materials list.

[47] The Canadian Critical Minerals Strategy 2022.

[48] European Commission, 2023 list of critical raw materials for the EU.

[49] Australia's Critical Minerals List and Strategic Materials List 2024.

[50] According to the Trust's website, as of March 11, 2025, the total net asset value (''NAV'') of the Trust and the NAV per unit of the Trust were US$99.2 and US$8.99, respectively, and there were a total of 11,034,857 Units issued and outstanding.

[51] The Commission has previously approved the listing and trading of Commodity-Based Trust Shares under NYSE Arca Rule 8.201–E that allow redemptions on a monthly basis. *See* Securities Exchange Act Release Nos. 61496 (February 4, 2010), 75 FR 6758 (February 10, 2010) (SR–NYSEArca–2009–113) (approving listing on the Exchange of Sprott Physical Gold Trust with monthly redemptions); 63043 (October 5, 2010), 75 FR 62615 (October 12, 2010) (SR–NYSEArca–2010–84) (approving listing on the Exchange of the Sprott Physical Silver Trust with monthly redemptions); and 69256 (March 28, 2013), 78 FR 20164 (April 3, 2013 (SR–NYSEArca–2012–28) (approving listing on the Exchange of the JPM XF Physical Copper Trust with monthly redemptions).

[52] The term ''Net Asset Value per Unit'' means the Net Asset Value divided by the total number of Units then outstanding.

[53] The term ''Minimum Physical Redemption Lot'' means the equivalent of 100 metric tons of Copper.

equivalent value in cash at a rate equal to 100% of the NAV of the class redeemed Units as at the valuation time (as determined by the Manager) on the applicable Redemption Date that represents such excess amount. A Unitholder redeeming Units for Copper will be responsible for expenses incurred by the Trust in connection with such redemption and applicable transfer and delivery expenses, including the handling, logistical requirements and administration of the notice of redemption, the transfer of the Copper for the Units that are being redeemed and the applicable fees.

A redemption notice to redeem Units for physical Copper must be received by the Transfer Agent no later than 4:00 p.m., Eastern Time, on the 15th day of the calendar month in which the redemption notice will be processed or, if such day is not a day on which banks located in New York, New York or Toronto, Ontario, are open for the transaction of banking business (''Business Day''), then on the immediately following day that is a Business Day. Any redemption notice to redeem Units for physical Copper received after such time will be processed in the next month.

According to the Registration Statement, on or before the fifth Business Day of a calendar month, the Manager will designate the Facility where the transfer of Copper will occur for the nearest following redemption date (''Designated Facility''). Such designation will be made available by the Trust on a public website, at *https://sprott.com/investment-strategies/physical-commodity-funds/copper/* (the ''Trust's website'').

A Unitholder redeeming Units for Copper will receive the Copper via an ''in warehouse'' transfer and delivery from the Trust's holdings of Copper at the Designated Facility to the Unitholder's account at the Designated Facility. Copper received by a Unitholder as a result of a redemption of Units will be transferred pursuant to delivery instructions provided by the Unitholder and will only be delivered to an account established by the Unitholder at the Designated Facility.

Costs associated with the redemption of Units and the transfer of Copper will be borne by the redeeming Unitholder. The redeeming Unitholder will also be responsible for any and all fees charged by the Designated Facility, including any transfer or setup fees. The transfer of physical Copper in connection with a redemption of Units will occur as soon as practicable and, in any event, approximately 15 Business Days after the applicable redemption date, subject to the timelines, policies and procedures at any Designated Facility. Any cash to be received by a redeeming Unitholder in connection with a redemption of Units for physical Copper will be delivered to the Unitholder's brokerage account within 10 Business Days after the calendar month in which the redemption is processed.

Redemption for Cash

Subject to the terms of the trust agreement and the Manager's right to suspend redemptions under certain circumstances described in the Registration Statement, Units may be redeemed at the option of a Unitholder for cash on a monthly basis.

According to the Registration Statement, Units redeemed for cash will be entitled to a redemption price equal to 95% of the lesser of (i) the volume-weighted average trading price (in U.S. dollars) of the Units traded on NYSE Arca or, if trading has been suspended on NYSE Arca, the trading price of the units traded on TSX, for the last five Business Days ending on the applicable Redemption Date; and (ii) the NAV of the class of redeemed Units as of 4:00 p.m. on the applicable Redemption Date, less applicable fees, costs and expenses. Cash redemption proceeds will be transferred to a redeeming Unitholder approximately 15 Business Days following the applicable Redemption Date, subject to the terms of and conditions of the sales of Copper by the Trust to fund the cash redemption amount.

A redemption notice to redeem Units for cash must be received by the Transfer Agent no later than 4:00 p.m., Eastern time, on the 15th day of the calendar month in which the redemption notice will be processed or, if such day is not a Business Day, then on the immediately following day that is a Business Day. Any redemption notice to redeem Units for cash received after such time will be processed in the next month. Additional details regarding redemption of Units for cash are set forth in the Registration Statement.

Termination Events

The Trust does not have a fixed termination date but will be terminated and dissolved in the event of any of the following occurs:

1. there are no outstanding Units;
2. the Trustee resigns or is removed and no successor trustee is appointed by the Manager by the time the resignation or removal becomes effective;
3. the Manager resigns and no successor manager is appointed by the Manager and approved by Unitholders by the time the resignation becomes effective;
4. the Manager is, in the opinion of the Trustee, in material default of its obligations under the trust agreement and such default continues for 120 days from the date the Manager receives notice of such default from the Trustee and no successor manager has been appointed by Unitholders;
5. the Manager experiences certain insolvency events; or
6. the assets of the Manager are seized or confiscated by a public or governmental authority.

In addition, the Manager may, in its discretion, at any time terminate and dissolve the Trust, without Unitholder approval, if, in the opinion of the Manager, after consulting with the independent review committee, the NAV has been reduced such that it is no longer economically feasible to continue the Trust and it would be in the best interests of the Unitholders to terminate the Trust, by giving the Trustee and each holder of Units at the time at least 90 days' written notice prior to the effective date of the termination of the Trust. To the extent such termination of the Trust in the discretion of the Manager may involve a matter that would be a ''conflict of interest matter'' as set forth under applicable Canadian securities legislation, the matter will be referred by the Manager to the Trust's independent review committee for its recommendation. In connection with the termination of the Trust, the Trust will, to the extent possible, convert its assets to cash and, after paying or making adequate provision for all of the Trust's liabilities, distribute the net assets of the Trust to Unitholders, on a pro rata basis, as soon as practicable after the termination date.

Net Asset Value

The NAV for each class of Units will be calculated by the Valuation Agent, as of 4:00 p.m., Eastern time, on each Business Day. The trust will report a daily NAV, based on the value of the Copper assets held by the Trust. According to the Registration Statement, the fair market value of the Copper held by the Trust will be based on reported spot prices from Fastmarkets, a globally recognized price reporter.[54]

[54] According to the Trust, the Trust is a mutual fund under applicable Canadian securities legislation and must calculate its NAV pursuant to Part 14 of National Instrument 81–106—Investment Fund Continuous Disclosure (''NI 81–106''), a rule applicable to Canadian mutual funds and administered by Canadian securities regulatory authorities. Pursuant to Subsection 14.2(1) of NI 81–106, the Trust must subtract the ''fair value'' of its liabilities from the fair value of its assets when

Continued

The NAV as of the valuation time on each Business Day will be the amount obtained by deducting from the aggregate fair market value of the assets of the Trust as of such date an amount equal to the value of the liabilities of the Trust (excluding all liabilities represented by outstanding Units, if any) as of such date. The Valuation Agent calculates the NAV per Unit by dividing the value of the net assets of the class of the Trust represented by the Units on such day by the total number of Units of that class then outstanding on such day. Registration or transfers of the Units may be made through CDS and/or DTC, each of which hold the Units on behalf of its participants (*i.e.,* brokers), which in turn may hold the Units on behalf of their customers.

Prior to commencement of trading in the Units, the Exchange will obtain a representation from the Trust that the NAV per Unit will be calculated daily and will be made available to all market participants at the same time.

Intraday Indicative Value

The Trust website will provide an intraday indicative value (''IIV'') per share for the Units, as calculated by a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m., Eastern time). The IIV will be calculated based on a price of copper derived from updated bids and offers indicative of the spot price of copper. [55]

The IIV will be disseminated on a per Unit basis every 15 seconds during regular NYSE Arca Core Trading Session.

Availability of Information Regarding Copper

Currently, the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity, such as copper, over the Consolidated Tape. However, the quotation and last sale price for the Units will be disseminated over the Consolidated Tape, as is the case for all equity securities traded on the Exchange. In addition, investors may obtain copper price and copper market information through public websites and through professional subscription services.

Investors may obtain almost on a 24-hour basis copper pricing information based on the spot price of copper from various financial information service providers, such as Reuters, Bloomberg, as well as other sources. Reuters and Bloomberg provide at no charge on their websites delayed information regarding the spot price of copper and last sale prices of copper futures, as well as information about news and developments in the copper market. Reuters, Bloomberg and

Fastmarkets, a globally recognized price reporter, also offer a professional service to subscribers for a fee that provides information on copper prices directly from market participants. Complete real-time data for copper futures and options prices traded on the CME and the LME are available by subscription from Reuters and Bloomberg. In addition, the LME publishes the LME official price information on its website with a one-day delay. The current day's LME official prices are available from major market data vendors for a fee. The CME also provides delayed futures and options information on current and past trading sessions and market news free of charge on its website. There are a variety of other public websites providing information on copper, ranging from those specializing in commodities to sites maintained by major newspapers.

Availability of Information

The NAV for the Trust's Units will be disseminated daily to all market participants at the same time. The intraday, closing, and settlement prices for copper will be readily available from the applicable futures exchange websites, automated quotation systems, published or other public sources, or major market data vendors. The IIV for the units per Unit will be disseminated by one or more major market data vendors on at least a 15 second delayed basis as required by NYSE Arca Rule 8.201–E(e)(2)(v).

Complete real-time data for copper is available by subscription through on-line information services. Quotation and last-sale information regarding the Units will be disseminated through the facilities of the Consolidated Tape Association. The IIV will be available through on-line information services. The trading prices for copper will be disseminated by on-line subscription services or by one or more major market data vendors during the NYSE Arca Core Trading Session of 9:30 a.m. to 4:00 p.m. Eastern time.

In addition, the Trust's website will contain the following information, on a per Unit basis, for the Trust: (a) the prior business day's end of day closing NAV; (b) the Official Closing Price [56] or the midpoint of the national best bid and the national best offer (''NBBO'') as of the time the NAV is calculated (''Bid-Ask Price''); (c) calculation of the premium or discount of the Official Closing Price or the Bid-Ask Price against the NAV expressed as a percentage of such NAV; (d) the latest prospectus of the Trust and (e) other applicable quantitative information. The Trust will also provide website disclosure of its Copper holdings before 9:30 a.m. E.T. on each trading day.

The Trust's website is publicly available and accessible at no charge. Accordingly, each investor will have access to the current daily holdings of the Trust through the Trust's website. In addition, information regarding market price and trading volume of the Units 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 closing price and trading volume information for the Units will be published daily in the financial section of newspapers.

In addition, the Trust will furnish reports to the Commission on Form 6–K in accordance with Rule 13a–16 under the Exchange Act and will also file with the Commission annual reports on Form 40–F under the Canada/U.S. Multijurisdictional Disclosure System. Information included in such filings (and which will be made available to Unitholders) will include (i) annual information form, (ii) annual financial statements, (iii) annual management report on fund performance (''MRFP''), (iv) quarterly financial statements, (v) quarterly MRFP and (vi) report of independent review committee.

Trading Rules

The Exchange deems the Units to be equity securities, thus rendering trading in the Units subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Units on the Exchange will occur in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate

calculating its NAV. Subsection 14.2(1.2) of NI 81–106 defines fair value as (a) the market value based on reported prices and quotations in an active market; or (b) if the market value is not available, or the Manager believes that it is unreliable, a value that is fair and reasonable in all the relevant circumstances, and requires the Manager to establish and maintain appropriate written policies and procedures for determining fair value of the Trust's assets and liabilities and to consistently follow those policies and procedures.

[55] The IIV on a per Unit basis disseminated during the NYSE Arca Core Trading Session should not be viewed as an actual real time update of the NAV, because the NAV is calculated only once at the end of each trading day based upon the relevant end of day values of the Trust's investments.

[56] The term ''Official Closing Price'' is defined in NYSE Arca Rule 1.1(ll) as the reference price to determine the closing price in a security for purposes of Rule 7–E Equities Trading, and the procedures for determining the Official Closing Price are set forth in that rule.

transactions in the Units during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00, for which the MPV for order entry is $0.0001.

The Units will conform to the initial and continued listing criteria under NYSE Arca Rule 8.201–E. The trading of the Units will be subject to NYSE Arca Rule 8.201–E(g), which sets forth certain restrictions on Equity Trading Permit (''ETP'') Holders acting as registered Market Makers in Commodity-Based Trust Shares to facilitate surveillance. The Exchange represents that, for initial and continued listing, the Trust will be in compliance with Rule 10A–3 [57] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Units will be outstanding at the commencement of trading on the Exchange.

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 Units. Trading on the Exchange in the Units may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Units inadvisable. These may include: (1) the extent to which conditions in the underlying copper market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Units will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule.[58]

The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV, as described above. If the interruption to the dissemination of the IIV persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Units is not disseminated to all market participants at the same time, it will halt trading in the Units until such time as the NAV is available to all market participants.

Surveillance

The Exchange represents that trading in the Units will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[59] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Units in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Units with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''),[60] and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Units from such markets and other entities. The Exchange also may obtain information regarding trading in Copper futures from markets trading such futures that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement (''CSSA''). For the North American market, COMEX (owned by CME) is the leading market venue for copper in the United States while the LME is the leading market venue for other regions, including Europe and Asia.

The Exchange, the CME and the LME are each a member of the ISG, which provides a global network for the sharing of information and the coordination of regulatory efforts among exchanges trading securities and other products to address potential intermarket manipulation and trading abuses. In effect, the ISG is an information sharing cooperative governed by a written agreement, formed to facilitate certain regulatory responsibilities of its members in connection with market surveillance. A prerequisite to ISG membership is that the member exchange is not subject to local laws or regulations that prevent information sharing. Information is shared upon request and may only be used for regulatory purposes. Accordingly, the CME and the LME are obligated, and have undertaken a commitment, to share information with the Exchange including, but not limited to, with respect to trading in Copper futures.

Additionally, the Exchange is able to obtain information regarding trading in the Units in connection with ETP Holders' proprietary or customer trades which they effect through ETP Holders on any relevant market. Additionally, under NYSE Arca Rule 8.201–E(g), an ETP Holder acting as a registered Market Maker in the Units is required to provide the Exchange with information relating to its accounts for trading in any underlying commodity, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Rule 11.3–E requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Units to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures, and any related derivative instruments (including the Units).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. To the extent the Exchange may be found to lack jurisdiction over a subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts and that subsidiary or affiliate is a member of another regulatory organization, the Exchange could obtain information regarding the activities of such subsidiary or affiliate through a surveillance sharing agreement with that regulatory organization.

All statements and representations made in this filing regarding (a) the description of the portfolio holdings or reference assets, (b) limitations on portfolio holdings or reference assets and (c) the applicability of Exchange

[57] With respect to the application of Rule 10A–3 (17 CFR 240.10A–3) under the Act, the Trust relies on the exemption contained in Rule 10A–3(c)(7).

[58] *See* NYSE Arca Rule 7.12–E.

[59] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[60] For the list of current members of ISG, *see https://www.isgportal.org/home.html.*

listing rules specified in this rule filing shall constitute continued listing requirements for listing the Units on the Exchange.

The Manager has represented 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 monitor for compliance with the continued listing requirements. If the Exchange becomes aware that the Trust or the Units are not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Units. Specifically, the Information Bulletin will discuss the following: (1) the procedures for purchases and redemptions of Units (including noting that Units are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Units; (3) how information regarding the IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Units prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the premium or discount on the Units may widen as a result of reduced liquidity of copper trading during the Core and Late Trading Sessions; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Units directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as will be described in a prospectus. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical copper, that the Commission has no jurisdiction over the trading of copper as a physical commodity, and that the CFTC has regulatory jurisdiction over the trading of copper futures contracts and options on copper futures contracts.

The Information Bulletin will also disclose the trading hours of the Units and that the NAV for the Units will be calculated as of 4:00 p.m. Eastern time, each trading day. The Information Bulletin will disclose that information about Units of the Trust will be publicly available on the Trust's website.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Exchange Act.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5)[61] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Units will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.201–E. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Units in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Units with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Units from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Units from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA. The Exchange may also obtain information regarding trading in copper futures from markets trading such futures that are members of ISG or with which the Exchange has in place a CSSA.

The Exchange may obtain information regarding trading in the Copper futures from the CME and the LME, each a member of the ISG. The Exchange represents that pursuant to its membership in ISG, the CME and the LME have undertaken a commitment to share information with the Exchange on an as-needed basis when such surveillance-sharing information is used for regulatory purposes.

The Exchange also represents that the Trust will not invest in futures, options, warrants, options on futures, swap contracts, or warehouse receipts. The Trust will also not hold or trade in commodity futures contracts, ''commodity interests,'' or any other instruments regulated by the CEA.

Also, pursuant to NYSE Arca Rule 8.201–E(g), the Exchange is able to obtain information regarding trading in the Units and the underlying copper through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest. Investors may obtain copper price and copper market information through public websites and through professional subscription services.

Complete real-time data for copper futures and options prices traded on the CME are available by subscription from Reuters and Bloomberg. The CME also provides delayed futures and options information on current and past trading sessions and market news free of charge on its website. In addition, the LME publishes the LME official price information on its website with a one-day delay. The current day's LME official prices are also available from major market data vendors for a fee. There are a variety of other public websites providing information on copper, ranging from those specializing in commodities to sites maintained by major newspapers.

The Trust's daily NAV will be posted on the Trust's website as soon as practicable. The Trust's website will provide an IIV per Unit, as calculated by a third-party financial data provider during the Exchange's Core Trading Session. The Trust's website will also provide the Trust's prospectus. Quotation and last-sale information regarding the Units will be disseminated through the facilities of the Consolidated Tape Association. In addition, if the Exchange becomes aware that the NAV with respect to the Units is not disseminated to all market participants at the same time, it will halt trading in the Units until such time as the NAV is available to all market participants. The NAV per Unit will be

[61] 15 U.S.C. 78f(b)(5).

calculated daily and made available to all market participants at the same time. One or more major market data vendors will disseminate for the Trust on a daily basis information with respect to the recent NAV per Unit and Units outstanding.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Units and may obtain information regarding trading in the Copper futures from the CME and the LME pursuant to their membership in ISG. In addition, as noted above, investors will have ready access to information regarding the Trust's NAV, IIV, copper pricing and copper futures information.

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 Exchange Act. The Exchange believes the proposed rule change will enhance competition by accommodating Exchange trading of an exchange-traded product relating to physical copper, which will enhance competition among market participants, 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 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–2025–24 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–2025–24. 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–2025–24 and should be submitted on or before July 17, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–11732 Filed 6–25–25; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for the next meeting of the Interagency Task Force on Veterans Small Business Development (IATF).

DATES: Tuesday, July 15, 2025, from 1:00 p.m. to 3:00 p.m. ET.

ADDRESSES: The public meeting will be held virtually via Microsoft Teams.

FOR FURTHER INFORMATION CONTACT: The virtual meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line, ''RSVP for July 15, 2025 IATF Virtual Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line, ''Response for July 15, 2025, IATF Virtual Public Meeting'' no later than Tuesday, July 8, 2025, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so during the public comment period. Participants can join the meeting via computer at this link: *https://bit.ly/IATF-JUL25* or by phone. Call in (audio only): Dial: +1 206–413–7980: Phone Conference ID: 278 883 801#. Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* All applicable documents will be posted on the IATF website prior to the meeting: *https://www.sba.gov/about-sba/sba-locations/headquarters-offices/office-veterans-business-development#sba-card-collection--heading-7153.* For more information on

[62] 17 CFR 200.30–3(a)(12).

veteran-owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (IAFT). The IATF is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, briefings on SBA's Made-In-America Manufacturing Initiative, Make Onshoring Great Again portal, the Red-Tape Hotline, and the IATF's objectives for fiscal year 2025.

Dated: June 24, 2025.

Andrienne Johnson,

Committee Manager Officer.

[FR Doc. 2025–11823 Filed 6–25–25; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0052]

Hours of Service (HOS) of Drivers; American Pyrotechnics Association (APA)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; grant of application for exemptions.

SUMMARY: FMCSA announces its decision to renew exemptions from certain hours of service (HOS) regulations for 44 APA member companies during designated Independence Day periods. The exemptions allow drivers of these companies to exclude off-duty and sleeper berth time of any length from the calculation of the 14-hour limit and to use paper records of duty status (RODS) in lieu of electronic logging devices (ELDs). FMCSA has analyzed the application for exemptions and the public comments and has determined that the exemptions, subject to the terms and conditions set forth below, will likely achieve a level of safety that is equivalent to or greater than the level that would be achieved in the absence of the exemptions.

DATES: The exemptions are effective for the period June 28 through July 8, at 11:59 p.m. local time, each year from 2025 through 2029.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–9220; *pearlie.robinson@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2021-0052/document* and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews applications, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

Current Regulatory Requirements

The HOS regulation in 49 CFR 395.3(a)(2) prohibits the driver of a property-carrying commercial motor vehicle (CMV) from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. Drivers required to prepare RODS must do so using ELDs under 49 CFR 395.8(a)(1)(i). However, under 49 CFR 395.8(a)(1)(iii)(A)(1), a motor carrier may allow its drivers to record their duty status manually, rather than use an ELD, if the driver is operating a CMV ''[i]n a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period.''

Application for Renewal of Exemption

The renewal application from APA was described in detail in a **Federal Register** notice of April 18, 2025 (90 FR 16587) and will not be repeated here as the facts have not changed since then.

IV. Public Comments

Two comments were submitted to the docket, one supporting and the other opposing the exemption renewal. Paul Catucci said, ''This exemption is vital for the fireworks industry. Over 80% of the business is done in less than two weeks. Unlike other industries where something is delayed a couple days it's no big deal the Fourth of July can't be delayed a day.'' An anonymous individual opposed the renewal and said, ''This exemption should NOT be granted, several of these carriers don't follow and comply with the DOT rules during normal non-peak seasons. . . . They are hauling HAZMAT with a very high likely hood [sic] of an accident becoming a major incident requiring multi agency response. To let them have less supervision, reporting, and remove the safety controls when they are stress [sic] and already looking for ways to cut corners is illogical.''

V. FMCSA Decision

FMCSA has evaluated APA's application and the safety records of 44 APA member companies to which the exemptions would apply and grants the exemptions. FMCSA ensured that each motor carrier possessed an active USDOT registration, minimum required levels of insurance, and was not subject to any ''imminent hazard'' or other out-of-service (OOS) orders. The Agency conducted a comprehensive review of the safety performance history on each of the motor carriers listed in the appendix table during the review

process. As part of this process, FMCSA reviewed its Motor Carrier Management Information System safety records, including inspection and crash reports submitted to FMCSA by State agencies. The motor carriers have ''satisfactory'' safety ratings issued by FMCSA and valid Hazardous Materials Safety Permits. In addition, the Pipeline and Hazardous Materials Safety Administration reviewed its investigative records and found no adverse data.

Based on the information provided in APA's application, FMCSA concludes that the exemptions, subject to the terms and conditions set forth in section VII, would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemptions, in accordance with 49 U.S.C. 31315(b)(1).

VI. Exemption Decision

FMCSA grants the exemptions for a period of five years subject to the terms and conditions of this decision. The exemptions from the requirements of 49 CFR 395.3(a)(2) and 49 CFR 395.8(a)(1)(i) are effective for the period June 28 through July 8 each year from 2025 through 2029.

A. Applicability of Exemptions

The exemptions are limited to drivers employed by the 42 motor carriers previously covered by the exemptions, and drivers employed by the 2 additional carriers identified by an asterisk in the appendix table of this notice. Drivers covered by these exemptions will be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. Drivers will be able to use paper RODs in lieu of ELDs to record their HOS.

B. Terms and Conditions

When operating under these exemptions, motor carriers and drivers are subject to the following terms and conditions:

1. Drivers must not drive more than 11 hours after accumulating 14 hours on duty prior to beginning a new driving period.

2. Drivers must have 10 consecutive hours off duty following 14 hours on duty prior to beginning a new driving period.

3. Drivers must use paper RODS and supporting documents, maintain RODS and supporting documents for 6 months from the date the record is prepared, and make RODS and supporting documents accessible to law enforcement upon request.

4. Drivers and carriers subject to the ELD requirements before June 28 must continue to use ELDs and comply with all ELD requirements, including maintaining ELD data for 6 months from the date the electronic record is generated and making ELD data accessible to law enforcement upon request.

5. Drivers must maintain a valid CDL with a hazardous materials endorsement and not be subject to an out-of-service order or loss of driving privileges.

6. Motor carriers must maintain a Hazardous Materials Safety Permit and Satisfactory safety rating assigned by FMCSA under the procedures in 49 CFR part 385.

7. Motor carriers must ensure their CMVs are properly marked as required by 49 CFR 390.21.

8. Motor carriers must ensure they comply with the requirements for shipping papers, package marking, labeling, and placarding in 49 CFR part 172.

9. Drivers and motor carriers covered by the exemptions must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) (FMCSRs) and Hazardous Materials Regulations (49 CFR parts 105–180) (HMRs).

10. Prior to the beginning of each Independence Day period these exemptions are in effect, FMCSA will ensure that each motor carrier possesses an active USDOT registration, minimum required levels of insurance, and was not subject to any ''imminent hazard'' or other out-of-service (OOS) orders. FMCSA will also conduct a comprehensive review of the safety performance history on each of the motor carriers listed in the appendix table during the review process. As part of this process, FMCSA will review its Motor Carrier Management Information System safety records, including inspection and crash reports submitted to FMCSA by State agencies.

11. Motor carriers may be investigated to evaluate compliance with the terms and conditions of these exemptions, in addition to the FMCSRs and HMR.

12. Motor carriers using exempt drivers must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of these exemptions. The notification must include the following information:

a. Identifier of the Exemption: ''APA'';

b. Name of operating carrier and USDOT number;

c. Date of the accident;

d. City or town, and State, in which the accident occurred, or closest to the

accident scene;

e. Driver's name and license number;

f. Co-driver's name (if any) and license number;

g. Vehicle number and State license number;

h. Number of individuals suffering physical injury;

i. Number of fatalities;

j. The police-reported cause of the crash, if provided by the enforcement agency;

k. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and

l. The total on-duty time accumulated during the 7 consecutive days prior to the date of the crash, and the total on-duty time and driving time in the work shift prior to the crash. The motor carrier must provide a copy of the driver's records of duty status for the day of the crash and the prior 7 days upon request.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV* with APA's name and docket number FMCSA–2021–0052 in the subject line.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period these exemptions are in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with these exemptions with respect to a firm or person operating under the exemptions. States may, but are not required to, adopt the same exemptions with respect to operations in intrastate commerce.

VII. Termination

FMCSA does not believe the drivers covered by these exemptions will experience any deterioration of their safety record. The exemptions will be rescinded if: (1) motor carriers or the drivers operating under the exemptions fail to comply with the terms and conditions of the exemptions; (2) the exemptions have resulted in a lower level of safety than was maintained before it was granted; (3) the annual investigation yields unsatisfactory results; or (4) continuation of the

exemptions would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315(b).

Sue Lawless,

Assistant Administrator.

Appendix to Notice of Applications for Renewal of APA Exemptions From the 14-Hour and ELD HOS Rules for Independence Day Periods

JUNE 28, THROUGH JULY 8, DURING 2025 THROUGH 2029, FOR 44 MOTOR CARRIERS

Motor carrier	Street address	City, state, zip code	DOT No.
1. American Fireworks Display, LLC	105 County Route 7	McDonough, NY 13801	2115608
2. AM Pyrotechnics, LLC	2429 East 535th Rd	Buffalo, MO 65622	1034961
3. Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct	Maineville, OH 45039	2008107
4. Artisan Pyrotechnics, Inc	82 Grace Road	Wiggins, MS 39577	1898096
5. Celebration Fireworks, Inc	7911 7th Street	Slatington, PA 18080	1527687
6. CP Transport, LLC	6377 Hwy. 62 NE	Lanesville, IN 47136	3076205
7. Extreme Logistics, LLC	26926 Hardy Run	Boerne, TX 78015	1971328
8. Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
9. Fireworks & Stage FX America	12650 Hwy 67S. Suite B	Lakeside, CA 92040	908304
10. Fireworks by Grucci, Inc	20 Pinehurst Drive	Bellport, NY 11713	324490
11. Aluminum King Mfg., Ltd. dba Flashing Thunder Fireworks.	700 E Van Buren Street	Mitchell, IA 50461	420413
12. Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
13. Hamburg Fireworks Display, Inc	2240 Horns Mill SE	Lancaster, OH	395079
14. *Hawaii Explosives & Pyrotechnics, Inc	PO Box 1244	Keaau, HI 96749	1375918
15. Herbie's Famous Fireworks	1406 Cherokee Falls Rd	Blacksburg, SC 29702	0112743
16. J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
17. J&M Displays, Inc	18064 170th Ave	Yarmouth, IA 52660	377461
18. *JPI Pyrotechnics LLC	10 Bartlett St	Allenstown, NH 03275	2783896
19. Johnny Rockets Fireworks Display Company	3240 Love Rock	Steger, IL 60475	1263181
20. Las Vegas Display Fireworks, Inc	4325 West Reno Ave	Las Vegas, NV 89118	3060878
21. Legion Fireworks Co., Inc	10 Legion Lane	Wappingers Falls, NY 12590	554391
22. Magic in the Sky, LLC	27002 Campbellton Road	San Antonio, TX 78264	2134163
23. Miand Inc. dba Planet Productions (Mad Bomber)	PO Box 294, 3999 Hupp Road R31	Kingsbury, IN 46345	777176
24. Pyro Productions Inc	2083 Helms Road	Rehobeth, AL 36301	3723192
25. Pyro Shows, East Coast	4652 Catawba River Road	Catawba, SC 29704, 12SSCSC222 9729704 LaFollette, TN 37766.	3709087
26. Pyro Shows of Alabama, Inc	3325 Poplar Lane	Adamsville, AL 35005	2859710
27. Pyro Shows of Texas, Inc	6601 9 Mile Azle Rd	Fort Worth, TX 76135	2432196
28. Pyro Spectaculars, Inc	3196 N Locust Ave	Rialto, CA 92376	029329
29. Pyro Spectaculars North, Inc	5301 Lang Avenue	McClellan, CA 95652	1671438
30. Pyrotecnico Fireworks Inc	299 Wilson Rd	New Castle, PA 16105	526749
31. Rainbow Fireworks, Inc	76 Plum Ave	Inman, KS 67546	1139643
32. RES Specialty Pyrotechnics dba RES Pyro	21595 286th St	Belle Plaine, MN 56011	523981
33. RKM Fireworks Company	27383 May St	Edwardsburg, MI 49112	1273436
34. Rozzi's Famous Fireworks, Inc	118 Karl Brown Way	Loveland, OH 45140	0483686
35. Santore's World Famous Fireworks, LLC	846 Stillwater Bridge Road	Schaghticoke, NY 12154	2574135
36. Southern Sky Fireworks, LLC	6181 Denham Rd	Sycamore, GA 31790–2603	3168056
37. Spielbauer Fireworks Co, Inc	1976 Lane Road	Green Bay, WI 54311	046479
38. Special FX Wizard, Inc	Box 266	Mastick Beach, NY 11951	3442905
39. Starfire Corporation	682 Cole Road	Carrolltown, PA 15722	554645
40. Vermont Fireworks Co., dba Northstar Fireworks Co., Inc	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
41. Western Display Fireworks, Ltd	10946 S. New Era Rd	Canby, OR 97013	498941
42. Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
43. Young Explosives Corp	2165 New Michigan Rd	Canandaigua, NY 14618	450304
Zambelli Fireworks MFG, Co., Inc	120 Marshall Drive	Warrendale, PA 15086	033167

[FR Doc. 2025–11758 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0023]

Agency Information Collection Activities; Notice and Request for Comment; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for reinstatement of a previously-approved information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) to reinstate a previously approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995 (PRA), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on generic clearance for qualitative feedback on agency service delivery.

DATES: Written comments should be submitted by August 25, 2025.

ADDRESSES: You may submit comments, identified by Docket No. DOT–NHTSA–XXXX–XXXX through one of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Jose R. Delgado-Forastieri, NIO–0300, 202–366–7491, Office of the Chief Information Officer, W51–311, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2127–0682.

Form Number(s): To be determined by specific collections.

Type of Request: Reinstatement of a previously-approved information collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: Executive Order 12862 directs Federal agencies to provide the highest quality service possible to the public. This proposed information collection 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.

This feedback collected through this information collection will provide insights into customer or stakeholder perceptions, experiences and expectations; provide 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. The feedback will allow for ongoing, collaborative and actionable communication between the Agency and its customers and stakeholders. This information collection will also allow feedback to contribute directly to the improvement of program management.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

• Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

• Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections under this request will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Description of the Need for the Information and Proposed Use of the Information:

Improving agency programs requires ongoing assessment of service delivery—systematic review of the operation of a program compared to a set of explicit or implicit standards—as a means of contributing to the continuous improvement of those programs. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on that feedback. The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information were not collected, vital feedback from customers and stakeholders on the Agency's services would be unavailable and the Agency would not know if adjustments would be warranted.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 17,315.

Frequency: On Occasion, per request.

Number of Responses: 17,315.

Estimated Total Annual Burden Hours: 1,795.

The 1,745 annual burden hours requested are based on the number of collections we expect to conduct over the requested period for this clearance.

A variety of instruments will be used to collect information from respondents including satisfaction surveys, focus groups, small group discussions, and usability studies. The estimated 1,795 annual burden hours are based on the number of anticipated collections over the requested period for this clearance. It is expected that the primary respondents for these collections are state and local workers. To calculate the opportunity cost associated with this submission, NHTSA estimated the total opportunity costs associated with these burden hours by looking at the average wage for state and local workers. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for state and local workers is $37.09/hour. The estimated annual opportunity cost is approximately $43,764.15 and the total three-year opportunity cost is approximately $131,292.45. Table 1 below outlines the expected collections and the corresponding estimated annual burden hours and opportunity costs.

TABLE 1—ESTIMATED ANNUAL BURDEN HOURS AND ASSOCIATED OPPORTUNITY COSTS

Type of collection	Number of respondents	Time per response	Estimated burden hours	Opportunity cost per response	Estimated opportunity cost
Customer Satisfaction Surveys (Office of Communications).	16,400	3 min.	820	$9.27	$7,601.40
Focus Groups (Office of Communications)	240	75 min.	300	37.09	11,127.00
Small Group Discussions	625	1 hour	625	37.09	23,171.25
Usability Study	50	1 hour	50	37.09	1,854.50
TOTAL	17,315		1,795		43,764.15

Estimated Total Annual Burden Cost: $0.

Participation in this collection is voluntary, and there are no costs to respondents beyond the time spent participating in the surveys.

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 the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as

amended; and 49 CFR 1:49; and DOT Order 1351.29.

William Timothy Berry,

Director, Information Technology Compliance.

[FR Doc. 2025–11730 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2023–0001]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) special permit segment extension submitted by Tennessee Gas Pipeline Company, LLC (TGP), a subsidiary of Kinder Morgan, Inc. TGP is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 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 Code of Federal Regulations (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 telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TGP, a subsidiary of Kinder Morgan, Inc., on September 26, 2024, seeking a special permit segment extension to be incorporated into special permit PHMSA–2023–0001. This special permit segment extension request is a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2023–0001 allows TGP to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2023–0001 is active and was granted on July 31, 2023, and is effective until July 31, 2033, for one (1) special permit segment, which included 6,685 feet (approximately 1.266 miles) of the TGP natural gas transmission pipeline system located in the state of Tennessee. The special permit segment extension is requested for an additional 502 feet (approximately 0.095 miles). If granted, the special permit segment would total 7,187 feet (approximately 1.361 miles).

The active special permit segment and requested extension, is as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
726	Active Segment	Dickson, TN	36	500–3	6,685	1973	936
	Extension	Dickson, TN	36	500–3	502	1973	936

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

TGP's special permit segment extension request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2023–0001. PHMSA invites interested persons to review and submit comments in the docket on the special permit segment extension request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11789 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2008–0066]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) new special permit segment submitted by Columbia Gulf Transmission, LLC (CGT), a subsidiary of TC Energy. CGT is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 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 Code of Federal Regulations (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 telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from CGT, a subsidiary of TC Energy, on March 27, 2024, seeking the addition of a new special permit segment to be incorporated into special permit PHMSA–2008–0066. The new segment request is a part of the active permit's special permit inspection area (SPIA #2). Special permit PHMSA–2008–0066 allows CGT to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 2 to a Class 3 location.

Special permit PHMSA–2008–0066 is active and was granted on July 21, 2021 [1] and is effective until July 21, 2031 for 41 special permit segments, which include 146,027 feet (approximately 27.657 miles) of the CGT natural gas transmission pipeline system located in the state of Tennessee. The new special permit segment is requested for 7,900 feet (approximately 1.496 miles). If granted, the special permit segments would total 153,927 feet (approximately 29.153 miles).

The requested new special permit segment, is as follows:

[1] Special Permit PHMSA–2008–0066 was originally issued on March 2, 2010 and renewed on July 21, 2021.

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
42	New Segment	Wilson County, TN	30	ML 200	7,900	1965	1,007

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

CGT's new special permit segment request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2008–0066. PHMSA invites interested persons to review and submit comments in the docket on the new special permit segment request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11783 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0004]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) new special permit segment and two (2) special permit segment extensions submitted by Tennessee Gas Pipeline, LLC (TGP), a subsidiary of Kinder Morgan, Inc. TGP is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 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 Code of Federal Regulations (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 telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TGP, a subsidiary of Kinder Morgan Inc., on January 27, 2025, seeking the addition of a new special permit segment and, on September 26, 2024, seeking special permit segment extensions to be incorporated into special permit PHMSA–2016–0004. Both the segment and the extensions request are within the valve stationing of the active permit. Special permit PHMSA–2016–0004 allows TGP to

deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2016–0004 is active and was granted on March 17, 2023,[1] and is effective until March 17, 2028, for 162 special permit segments, which include 194,837 feet (approximately 36.90 miles) of the TGP natural gas transmission pipeline system located in the states of Kentucky, Louisiana, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia. The new special permit segment is requested for 1,347 feet (approximately 0.255 miles). The special permit segment extensions are requested for an additional 805 feet (approximately 0.152 miles). If granted, the special permit segments would total 196,989 feet (approximately 37.31 miles).

The active special permit segment, requested new special permit segment, and requested extensions, are as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
113	Active Segment	Natchitoches, LA	30	100–3	1,107	1951	750
	Extension	Natchitoches, LA	30	100–3	747	1951	750
167	Active Segment	Sussex, NJ	24	300–1	1,746	1955	1,170
	Extension	Sussex, NJ	24	300–1	58	1955	1,170
730	New Segment	Kanawha, WV	20	100–1	1,347	1984	936

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

TGP's new special permit segment and extensions request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2016–0004. PHMSA invites interested persons to review and submit comments in the docket on both the special permit segment extension request and the new special permit segment request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11784 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2006–24058]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) new special permit segment and one (1) special permit segment extension submitted by Portland Natural Gas Transmission System (PNGTS), a subsidiary of TC Energy. PNGTS is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

[1] Special Permit PHMSA–2016–0004 was originally issued on September 1, 2016 and renewed on March 17, 2023.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and 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 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 Code of Federal Regulations (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 telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from PNGTS, a subsidiary of TC Energy, on March 27, 2024, seeking the addition of a new special permit segment and, on April 16, 2024, seeking a special permit segment extension to be incorporated into special permit PHMSA–2006–24058. Both the new segment and extension request are a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2006–24058 allows PNGTS to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2006–24058 is active and was granted on May 22, 2023 [1] and is effective until May 22, 2033 for four (4) special permit segments, which include 9,905 feet (approximately 1.876 miles) of the PNGTS natural gas transmission pipeline system located in the states of Maine and New Hampshire. The new special permit segment is requested for 2,625 feet (approximately 0.497 miles). The special permit segment extension is requested for an additional 4,678 feet (approximately 0.886 miles). If granted, the special permit segments would total 17,208 feet (approximately 3.259 miles).

The active special permit segment, requested new special permit segment, and requested extension, are as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
2	Active Segment	Cumberland, ME	24	PNGTS Mainline	4,766	1998	1,440
	Extension	Cumberland, ME	24	PNGTS Mainline	4,678	1998	1,400
5	New Segment	Cumberland, ME	24	PNGTS Mainline	2,625	1999	1,440

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

PNGTS's new special permit segment and extension request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2006–24058. PHMSA invites interested persons to review and submit comments in the docket on both the special permit segment extension request and the new special permit segment request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11782 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

[1] Special Permit PHMSA–2006–24058 was originally issued on December 17, 2007 and renewed on May 22, 2023.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2022–0035]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) special permit segment extension submitted by Tennessee Gas Pipeline Company, LLC (TGP), a subsidiary of Kinder Morgan, Inc. TGP is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

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FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TGP, a subsidiary of Kinder Morgan, Inc., on September 26, 2024, seeking the addition of a special permit segment extension to be incorporated into special permit PHMSA–2022–0035. The special permit segment extension request is a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2022–0035 allows TGP to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2022–0035 is active and was granted on July 24, 2023, and is effective until July 24, 2033, for seventeen (17) special permit segments, which include 42,298 feet (approximately 8.011 miles) of the TGP natural gas transmission pipeline system located in the state of Tennessee. The special permit segment extension is requested for an additional 327 feet (approximately 0.062 miles). If granted, the special permit would total 42,625 feet (approximately 8.073 miles).

The active special permit segment and requested extension, is as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
677	Active Segment	Robertson, TN	30	800–1	2,415	1954	936
	Extension	Robertson, TN	30	800–1	327	1954	936

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

TGP's special permit segment extension request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2022–0035. PHMSA invites interested persons to review and submit comments in the docket on the special permit segment extension request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11788 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0006]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request to reincorporate one (1) special permit segment submitted by Southern Natural Gas (SNG), a subsidiary of Kinder Morgan, Inc. SNG is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information

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FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from SNG, a subsidiary of Kinder Morgan, Inc., on January 27, 2025, seeking to reincorporate a previously issued special permit segment into special permit PHMSA–2016–0006. The new special permit segment request is a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2016–0006 allows SNG to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2016–0006 was initially granted on September 1, 2016 and included the requested special permit segment. Due to a class location drop, which made the need for a special permit unnecessary for this specific special permit segment, when the special permit was reissued on March 17, 2023, the relevant special permit segment was not included. The currently issued special permit is effective until March 17, 2028 for 16 special permit segments, which include 16,792 feet (approximately 3.180 miles) of the SNG natural gas transmission pipeline system located in the states of Alabama, Georgia, and Louisiana. The special permit segment requested to be reincorporated is 948 feet (approximately 0.179 miles). If granted, the special permit segments would total 17,740 feet (approximately 3.360 miles).

The requested new special permit segment details are as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
729 (Previously known as segment 2).	New Segment.	Autauga, AL	30	South Main 2nd Loop Line.	948	1981	1,200

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

SNG's new special permit segment request, active special permit with conditions, and Final Environmental Assessment are available for review and public comment in Docket No. PHMSA–2016–0006. PHMSA invites interested persons to review and submit comments in the docket on the special permit segment request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11785 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0202]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) special permit segment extension submitted by Columbia Gas Transmission System (TCO), a subsidiary of TC Energy. TCO is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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: There is a privacy statement published on *http://www.regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.regulations.gov.*

Confidential Business Information

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FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TCO, a subsidiary of TC Energy, on January 10, 2025, seeking the addition of a special permit segment extension to be incorporated into special permit PHMSA–2019–0202. The special permit segment extension request is a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2019–0202 allows TCO to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2019–0202 is active and was granted on June 30, 2023 [1] and is effective until June 30, 2033 for seven (7) special permit segments, which include 15,599 feet (approximately 2.954 miles) of the TCO natural gas transmission pipeline system located in the states of Maryland and Virginia. The special permit segment extension is requested for an additional 2,090 feet (approximately 0.396 miles). If granted, the special permit would total 17,689 feet (approximately 3.350 miles).

The active special permit segment and requested extension, is as follows:

[1] Special Permit PHMSA–2019–0202 was originally issued on March 31, 2022 and amended on June 30, 2023.

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
5	Active Segment	Loudoun, VA	30	VC	481	1962	898
	Extension	Loudoun, VA	30	VC	2,090	1962	898

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

TCO's special permit segment extension request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2019–0202. PHMSA invites interested persons to review and submit comments in the docket on the special permit segment extension request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11787 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0152]

Pipeline Safety: Request for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for one (1) special permit segment extension submitted by Tennessee Gas Pipeline Company, LLC (TGP), a subsidiary of Kinder Morgan, Inc. TGP is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. 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 28, 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.
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Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) 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.*

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FOR FURTHER INFORMATION CONTACT:

General: Mr. Lee Cooper by telephone at 202–913–3171, or by email at *lee.cooper@dot.gov.*

Technical: Mr. Zaid Obeidi by telephone at 202–768–4354, or by email at *zaid.obeidi@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from TGP, a subsidiary of Kinder Morgan, Inc., on September 26, 2024, seeking the addition of a special permit segment extension to be incorporated into special permit PHMSA–2019–0152. The special permit segment extension request is a part of the active permit's special permit inspection area (SPIA). Special permit PHMSA–2019–0152 allows TGP to deviate from the Federal pipeline safety regulations in 49 CFR 192.611(a), (d), and 192.619(a), where a gas transmission pipeline segment has undergone a change from a Class 1 to a Class 3 location.

Special permit PHMSA–2019–0152 is active and was granted on March 30, 2023, and is effective until March 30, 2033 for one (1) special permit segment, which include 2,830 feet (approximately 0.536 miles) of the TGP natural gas transmission pipeline system located in the state of Kentucky. The special permit segment extension is requested for an additional 732 feet (approximately 0.139 miles). If granted, the special permit segment would total 3,562 feet (approximately 0.675 miles).

The active special permit segment and requested extension, is as follows:

SPS No.	Status	County, state	Outside diameter (inches)	Line name	Length (feet)	Year installed	Maximum allowable operating pressure (pounds per square inch gauge)
508	Active Segment	Barren, KY	36	800–2	2,830	1968	936
	Extension	Barren, KY	36	800–2	732	1968	936

Upon receipt of this request, an Environmental Protection Specialist from PHMSA's Environmental Analysis and Compliance Division reviewed the Final Environmental Assessment (FEA) and its findings. In consideration of this, PHMSA finds that the expansion of the proposed special permit would not result in significant impacts to the human environment. Furthermore, the existing FEA and Finding of No Significant Impact remain 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.

TGP's special permit segment extension request, active special permit with conditions, and FEA are available for review and public comment in Docket No. PHMSA–2019–0152. PHMSA invites interested persons to review and submit comments in the docket on the special permit segment extension request. Please submit comments on any potential safety, environmental, and other relevant considerations implicated by the special permit 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 comments closing date. 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 24, 2025 under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 2025–11786 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Guidance on DOT Referrals for Potential Criminal Enforcement

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

ACTION: Notice.

SUMMARY: This notice describes DOT's plans to address regulatory offenses with criminal liability pursuant to the recent executive order on Fighting Overcriminalization in Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Charles E. Enloe, Assistant General Counsel for Litigation and Enforcement, *Charles.Enloe@dot.gov,* (202) 366–9269.

SUPPLEMENTARY INFORMATION: On May 9, 2025, the President issued Executive Order (''E.O.'') 14294, Fighting Overcriminalization in Federal Regulations. 90 FR 20363 (May 14, 2025). Section 7 of E.O. 14294 provides that within 45 days of the order, and in consultation with the Attorney General, each agency should publish guidance in the **Federal Register** describing its plan to address regulatory offenses with criminal liability.

Consistent with that requirement, DOT advises the public that DOT, in consultation with the Attorney General, will provide to the Director of the Office of Management and Budget (''OMB'') and post on the DOT website a report containing: (1) a list of all criminal regulatory offenses [1] enforceable by DOT or the Department of Justice (''DOJ''); and (2) for each such criminal regulatory offense, the range of potential criminal penalties for a violation and the applicable mens rea standard [2] for the criminal regulatory offense. DOT will update the report periodically as required by the E.O.

This notice also announces a general policy, subject to appropriate exceptions and to the extent consistent with law, that when DOT is deciding whether to refer alleged violations of criminal regulatory offenses to DOJ, officers and employees of DOT should consider, among other factors:

- the harm or risk of harm, pecuniary or otherwise, caused by the alleged offense;
- the potential gain to the putative defendant that could result from the offense;
- whether the putative defendant held specialized knowledge, expertise, or was licensed in an industry related to the rule or regulation at issue; and
- evidence, if any is available, of the putative defendant's general awareness of the unlawfulness of his conduct as well as his knowledge or lack thereof of the regulation at issue.

DOT adheres to DOT Order 8000.8A (Nov. 20, 2020), which provides procedures for referrals for criminal investigation and coordination with the DOT Office of the Inspector General and DOJ.[3] DOT also adheres to the Acting General Counsel's Memorandum, titled ''Procedural Requirements for DOT Enforcement Actions'' (March 11, 2025), which clarifies the procedural requirements governing enforcement actions initiated by DOT, including administrative enforcement proceedings

[1] ''Criminal regulatory offense'' means a Federal regulation that is enforceable by a criminal penalty. E.O. 14294, sec. 3(b).

[2] ''Mens rea'' means the state of mind that by law must be proven to convict a particular defendant of a particular crime. E.O. 14294, sec. 3(c).

[3] *https://www.transportation.gov/sites/dot.gov/files/docs/dotorders/CROrder%208000.8A%20final%20signed.pdf.*

and judicial enforcement actions brought in Federal court.[4]

This general policy 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.

Gregory D. Cote,

Acting General Counsel.

[FR Doc. 2025–11795 Filed 6–25–25; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Market Risk

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, ''Market Risk.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by July 28, 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: 1557–0247, 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 ''1557–0247'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You can view this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically: Go to www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0247'' or ''Market Risk.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Market Risk.

OMB Control No.: 1557–0247.

Type of Review: Regular.

Affected Public: Individuals; Businesses or other for-profit.

Description: The OCC's market risk capital rule (12 CFR part 3, subpart F) applies to national banks and Federal savings associations with significant exposure to market risk, which include those national banks and Federal savings associations with aggregate trading assets and trading liabilities (as reported in the national bank's or Federal savings association's most recent Call Report) equal to 10 percent or more of quarter-end total assets or $1 billion or more. The rule captures positions for which the market risk capital rule is appropriate, reduces procyclicality in market risk capital requirements, enhances the risk sensitivity of the OCC's capital requirements by measuring risks that are not adequately captured under the requirements for credit risk, and increases transparency through enhanced disclosures.

The information collection requirements are located at 12 CFR 3.203 through 3.212. The rule enhances risk sensitivity and includes requirements for the public disclosure of certain qualitative and quantitative information about the market risk of national banks and Federal savings associations. The collection of information is necessary to ensure capital adequacy appropriate for the level of market risk.

Section 3.203 sets forth the requirements for applying the market risk framework. Section 3.203(a)(1) requires national banks and Federal savings associations to have clearly defined policies and procedures for determining which trading assets and trading liabilities are trading positions and specifies the factors a national bank or Federal savings association must consider in drafting those policies and procedures. Section 3.203(a)(2) requires national banks and Federal savings associations to have clearly defined trading and hedging strategies for trading positions that are approved by senior management and specifies what those strategies must articulate. Section 3.203(b)(1) requires national banks and Federal savings associations to have

[4] *https://www.transportation.gov/administrations/office-general-counsel/general-counsel%E2%80%99s-enforcement-memorandum.*

clearly defined policies and procedures for actively managing all covered positions and specifies the minimum requirements for those policies and procedures. Section 3.203(c)(1) requires national banks and Federal savings associations to obtain prior written approval of the OCC before using any internal model to calculate their risk-based capital requirements under the rule. Sections 3.203(c)(4) through 3.203(c)(10) require the review, at least annually, of internal models and specify certain requirements for those models. Section 3.203(d)(4) requires the internal audit group of a national bank or Federal savings association to report to the board of directors, at least annually, on the effectiveness of controls supporting the market risk measurement systems.

Section 3.204(b) requires national banks and Federal savings associations to conduct quarterly backtesting. Section 3.205(a)(5) requires institutions to demonstrate to the OCC the appropriateness of any proxies used to capture risks within value-at-risk models. Section 3.205(c) requires institutions to develop, retain, and make available to the OCC value-at-risk and profit and loss information on sub-portfolios for two years. Section 3.206(b)(3) requires national banks and Federal savings associations to have policies and procedures that describe how they determine the period of significant financial stress used to calculate the institution's stressed value-at-risk models and to obtain prior OCC approval for any material changes to these policies and procedures.

Section 3.207(b)(1) details requirements applicable to a national bank or Federal savings association when the national bank or Federal savings association uses internal models to measure the specific risk of certain covered positions. Section 3.208 requires national banks and Federal savings associations to obtain prior OCC approval for incremental risk modeling of portfolios of equity positions and describes the requirements for incremental risk modeling. Section 3.209 requires prior OCC approval for the use of a comprehensive risk measure and describes applicable requirements. Section 3.209(c)(2) requires national banks and Federal savings associations to retain and make available to the OCC the results of supervisory stress testing. Section 3.210(f) requires national banks and Federal savings associations to document an internal analysis of the risk characteristics of each securitization position in order to demonstrate to the OCC an understanding of the position. Section 3.212 requires quarterly quantitative disclosures, annual qualitative disclosures, and a formal disclosure policy approved by the board of directors that addresses the approach for determining the market risk disclosures it makes.

Estimated Burden: 1,964.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 17.

Estimated Total Annual Burden: 33,388 hours.

Comments: On April 18, 2025, the OCC published a 60-day notice for this information collection, 90 FR 16590. No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

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

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

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–11752 Filed 6–25–25; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Community Reinvestment Act Qualifying Activities Confirmation Request Form

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, ''Community Reinvestment Act Qualifying Activities Confirmation Request Form.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by July 28, 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: 1557–0356, 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 ''1557–0356'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* You can find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection

Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0356'' or ''Community Reinvestment Act Qualifying Activities Confirmation Request Form.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks the OMB to extend its approval of the collection in this notice.

Title: Community Reinvestment Act Qualifying Activities Confirmation Request Form.

OMB Control No.: 1557–0356.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: The OCC created the ''Community Reinvestment Act Qualifying Activities Confirmation Request Form'' to address the need for a qualifying activities confirmation process that would allow banks and interested parties to ascertain whether an activity qualifies under the Community Reinvestment Act (CRA). The process was well-received and strongly supported by commenters on the OCC ANPR and NPR that resulted in the CRA final rule issued by the OCC in 2020 (2020 CRA final rule).[1] Commenters on the OCC's September 2021 CRA NPR expressed continued support for such a confirmation system and, thus, the OCC determined that it was important to maintain this confirmation system after adopting the 2021 CRA final rule[2] to allow for a more effective and efficient confirmation of CRA-qualified activities. Interested parties may request that the OCC confirm that an activity is a qualifying activity by submitting a complete Qualifying Activity Confirmation Request Form.

Estimated Burden

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 24.

Estimated Total Annual Burden: 456 hours.

Comments: On April 15, 2025, the OCC published a 60-day notice for this information collection, (90 FR 15783). No comments were received.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

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

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

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Patrick T. Tierney,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2025–11832 Filed 6–25–25; 8:45 am]

BILLING CODE 4810–33–P

[1] 85 FR 34734 (June 5, 2020).

[2] 86 FR 71328 (Dec. 14, 2021). The OCC currently assesses national banks' and savings associations' CRA performance under the 2021 regulatory framework.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Docket No.: OFAC–2025–0001

Agency Information Collection Activities; Proposed Collection; Comment Request; Office of Foreign Assets Control Reporting, Procedures and Penalties Regulations Sanctions Reconsideration Portal

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. Currently, the Office of Foreign Assets Control (OFAC) within the Department of the Treasury is soliciting comments concerning a proposal to add an electronic Sanctions Reconsideration Portal information collection within OFAC's Reporting, Procedures and Penalties Regulations.

DATES: Written comments must be received by August 25, 2025 to be assured of consideration.

ADDRESSES: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

• Electronically at *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

• You may email comments to the following address: *OFACreport@treasury.gov* with ''Attn: Request for Comments on Sanctions Reconsideration Portal (Reporting, Procedures and Penalties Regulations)''. Comments must be received by the close of the comment period.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously. All submissions received must include the agency name and refer to Docket Number OFAC–2025–0001 and the Office of Management and Budget (OMB) control number 1505–0164.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Regulatory Affairs, 202–622–4855; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Title: OFAC Reporting, Procedures and Penalties Regulations Sanctions Reconsideration Portal.

OMB Number: 1505–0164.

Type of Review: Revision of a currently approved collection.

Description: OFAC is seeking to add a new electronic Sanctions Reconsideration Portal information

collection contained within § 501.807 of OFAC's Reporting, Procedures and Penalties Regulations (the ''Regulations''), which pertains to the operation of the various economic sanctions programs administered by OFAC under 31 CFR chapter V. Section 501.807 sets forth the procedures to be followed by a person seeking administrative reconsideration of the listing of a person or property (*e.g.,* a vessel) on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) or any other list or identification of sanctioned persons or property maintained by OFAC. OFAC is seeking approval of an electronic Sanctions Reconsideration Portal that would gather specific information from the petitioner and provide a more efficient process for collecting and reviewing applications for reconsideration. Petitioner use of the Sanctions Reconsideration Portal will be voluntary. OFAC is not making any changes to other collections or other forms associated with this control number.

The reports covered by this information collection will be reviewed by the U.S. Department of the Treasury and may be used for sanctions designations, compliance, civil penalty, and enforcement purposes by the agency.

Forms: The proposed Sanctions Reconsideration Portal information collection covered by this notice will contain a list of questions to provide electronically regarding the reasons and supporting information for the petitioner's request for consideration of removal from an OFAC sanctions list.

Affected Public: Persons sanctioned by OFAC and their authorized representatives.

Estimated Number of Respondents: OFAC's estimate for the number of unique reporting respondents is approximately 300 per year based on prior data.

Frequency of Response: The estimated annual frequency of responses is approximately once.

Estimated Total Number of Annual Responses: The estimated total number of responses per year is approximately 300.

Estimated Time Per Response: OFAC assesses that the average time estimate for submitting a reconsideration report will be 3 hours.

Estimated Total Annual Burden Hours: The estimated total annual reporting burden is approximately 900 hours.

Request for Comments

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 agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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 required to provide information.

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

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2025–11496 Filed 6–25–25; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Election To Postpone Determinations as to Whether the Presumption Applies That an Activity Is Engaged in for Profit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before August 25, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–0195'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: View the latest drafts of the tax forms related to the information collection listed in this notice at *https://www.irs.gov/draft-tax-forms.* Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, (202) 317–6009.

SUPPLEMENTARY INFORMATION: The IRS, 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 IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Title: Election to Postpone Determination as To Whether the Presumption Applies That an Activity Is Engaged in for Profit.

OMB Control Number: 1545–0195.

Form Number: 5213.

Abstract: Section 183 of the Internal Revenue Code allows taxpayers to elect to postpone a determination as to whether an activity is entered into for profit or is in the nature of a nondeductible hobby. The election is made on Form 5213 and allows taxpayers 5 years (7 years for breeding, training, showing, or racing horses) to show a profit from an activity.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,541.

Estimated Time per Respondent: 47 minutes.

Estimated Total Annual Burden Hours: 2,762 hours.

Dated: June 23, 2025.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2025–11774 Filed 6–25–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Collection Activities; Requesting Comments Comment Request for Form 5304–SIMPLE, Form 5305–SIMPLE, and Notice 98–4.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 5304–SIMPLE, Savings Incentive Match Plan for Employees of Small Employers (SIMPLE)—Not for Use With a Designated Financial Institution; Form 5305–SIMPLE, Savings Incentive Match Plan for Employees of Small Employers (SIMPLE)—for Use With a Designated Financial Institution; Notice 98–4, Simple IRA Plan Guidance.

DATES: Written comments should be received on or before August 25, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–1502 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus McCrary, (470) 769–2001, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *marcus.w.mccrary@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Form 5304–SIMPLE, Savings Incentive Match Plan for Employees of Small Employers (SIMPLE)—Not for Use With a Designated Financial Institution, Form 5305–SIMPLE; Savings Incentive Match Plan for Employees of Small Employers (SIMPLE)—for Use With a Designated Financial Institution; SIMPLE IRA Plan Guidance(Notice 98–4).OMB Control Number: 1545–1502.

Form Number: Form 5304–SIMPLE, Form 5305–SIMPLE, and Notice 98–4.

Abstract: Forms 5304–SIMPLE and 5035–SIMPLE are used by an employer to permit employees to make salary reduction contributions to a savings incentive match plan (SIMPLE IRA) described in Code section 408(p). These forms are not to be filed with IRS, but to be retained in the employers' records as proof of establishing such a plan, thereby justifying a deduction for contributions made to the SIMPLE IRA. The data is used to verify the deduction. Notice 98–4 provides guidance for employers and trustees regarding how they can comply with the requirements of Code section 408(p) in establishing and maintaining a SIMPLE Plan.

Current Actions: There are no changes to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations not-for-profit institutions, and individuals.

Estimated Number of Responses: 600,000.

Estimated Time per Respondent: 3 hours, 13 minutes.

Estimated Total Annual Burden Hours: 1,932,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Approved: June 24, 2025.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2025–11843 Filed 6–25–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service (IRS) Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before July 28, 2025 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Notice Concerning Fiduciary Relationship and Notice Concerning Fiduciary Relationship of Financial Institution.

OMB Number: 1545–0013.

Form Number: 56 and 56–F.

Abstract: Form 56 is used to notify the IRS of the creation or termination of a fiduciary relationship under Internal

Revenue Code (IRC) section 6903 and provide the qualification for the fiduciary relationship under IRC section 6036. Form 56–F is used by the federal agency acting as a fiduciary in order to notify the IRS of the creation, termination, or change in status of a fiduciary relationship with a financial institution.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Responses: 174,050.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 349,786.

2. Title: Advance Pricing and Mutual Agreement Program.

OMB Number: 1545–1503.

Document Number: Rev. Proc. 2015–41.

Abstract: The purpose of section 482 is to ensure that taxpayers clearly reflect income attributable to controlled transactions and to prevent the avoidance of taxes with respect to such transactions. Revenue Procedure 2015–41 provides guidance on the process of requesting and obtaining advance pricing agreements from the Advance Pricing and Mutual Agreement program (''APMA''). This revenue procedure also provides guidance on administration of an executed advance pricing agreement (APA).

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, or households.

Estimated Number of Respondents: 390.

Estimated Time per Respondent: 27 hrs., 57 min.

Estimated Total Annual Burden Hours: 10,900.

3. Title: Rulings and determination letters.

OMB Number: 1545–1522.

Regulation Project Number: Rev. Proc. 2025–1.

Abstract: This revenue procedure explains how the Service provides advice to taxpayers on issues under the jurisdiction of the Associate Chief Counsel (Corporate), the Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes), the Associate Chief Counsel (Financial Institutions and Products), the Associate Chief Counsel (Income Tax and Accounting), the Associate Chief Counsel (International), the Associate Chief Counsel (Passthroughs and Special Industries), and the Associate Chief Counsel (Procedure and Administration). It explains the forms of advice and the way advice is requested by taxpayers and provided by the Service.

Current Actions: The previous approval was inadvertently discontinued. This submission is being made to request OMB approval on an existing collection in use without an OMB Control Number.

Type of Review: Existing collection in use without an OMB Control Number.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 3,966.

Estimated Time per Respondent: 79.70 hrs.

Estimated Total Annual Burden Hours: 316,100.

4. Title: Gaming Industry Tip Rate Compliance Agreement.

OMB Number: 1545–1530.

Revenue Procedure Number: 2007–32.

Abstract: The Gaming Industry Tip Compliance Agreement (GITCA) Program is designed to promote compliance by gaming industry employers and employees with the provisions of the Internal Revenue Code relating to tip income and to reduce disputes under section 3121(q). Under the GITCA Program, a gaming industry employer and the Internal Revenue Service (IRS) work together to reach a GITCA that establishes minimum tip rates for participating tipped employees in specified occupational categories, prescribes a threshold level of participation by the employer's employees, and reduces compliance burdens for the employer and enforcement burdens for the IRS. The collections of information include the agreements, annual reports, recordkeeping requirements, and model gaming tip agreements, which are detailed within Revenue Procedure 2007–32, Exhibit 1—Gaming Industry Tip Compliance Agreement.

Current Actions: There is no change to the existing revenue procedures or burden at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 781.

Estimated Time per Respondent: 14 hours, 44 minutes.

Estimated Total Annual Burden Hours: 11,512 hours.

5. Title: Low-Income Taxpayer Clinics Grant Application Package and Guidelines.

OMB Number: 1545–1648.

Publication Number: 3319.

Abstract: Publication 3319 outlines requirements of the IRS Low-Income Taxpayer Clinics (LITC) program and provides instructions on how to apply for a LITC grant award. The IRS will review the information provided by applicants to determine whether to award grants for the Low-Income Taxpayer Clinics.

Current Actions: Form 13424–M has been revised and a new reporting Form 13424–R for the LITC Packet.

Form 13424–M incorporates some fields from the Form 13424 and eliminates a separate form. In lieu of non-competing continuation applicants filling out a separate project abstract, they will instead check a box on the form 13424–M listed ''Continuation'' and it will show only the required fields for completion. If an applicant needs to report a major change to their program, they will be able to designate which fields need to be modified and those that don't by checking yes or no. This will eliminate the problems we had with the Project Abstract where the grantees would make mistakes or create errors. Form 13424–R will replace the 13424 A, B, C, K, N forms. We reduced the data points we are collecting significantly, and as a result, we anticipate that the time to complete will be reduced significantly.

Type of Review: Revision of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 935.

Estimated Average Time per Respondent: 2 hrs., 21 mins.

Estimated Total Annual Burden Hours: 2690.

6. Title: Coverdell ESA Contribution Information.

OMB Number: 1545–1815.

Form Number: 5498–ESA.

Abstract: Form 5498–ESA is used by trustees or issuers of Coverdell Education Savings accounts to report contributions and rollovers to these accounts to beneficiaries.

Current Actions: There is no change to the form, however the burden for Form 5498–ESA has decreased due to recent estimates based on the number of taxpayers filing the form.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organization.

Estimated Number of Respondents: 111,200.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 13,344.

7. Title: Assumption of Partner Liabilities.

OMB Number: 1545–1843.

Regulation Project Number: TD 9207, Treasury Regulation 1–752–7(e), (f), (g), (h), and (k)2.

Abstract: This document added Treasury Regulations section 1–752–7. These final regulations require a partnership to notify the partner of the satisfaction of certain liabilities described in the regulation, providing the partner with specific information regarding the partnership's assumption of liability. The partner must attach this notification to their tax return for the year in which the loss is being claimed.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations or individuals.

Estimated Number of Responses: 250.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 125.

8. Title: Safe Harbor for Valuation and Mark to Market Accounting Method for Dealers under Section 475.

OMB Control Number: 1545–1945.

Regulation Project Number: TD 9328 and TD 8700.

Abstract: The Treasury Decisions (TD) set forth an elective safe harbor that permits dealers in securities and dealers in commodities to elect to use the values of positions reported on certain financial statements as the fair market values of those positions for purposes of Section 475 of the Internal Revenue Code. This safe harbor is intended to reduce the compliance burden on taxpayers and to improve the administrability of the valuation requirement of Section 475 for the Internal Revenue Service (IRS). TD 8700 contains final regulations providing guidance to enable taxpayers to comply with the mark to market requirement applicable to dealers in securities.

Current Actions: There are no changes to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 15,708.

Estimated Time per Respondent: 3 hours, 19 minutes.

Estimated Total Annual Burden Hours: 52,182.

9. Title: Distilled Spirits Credit.

OMB Number: 1545–1982.

Form Number: Form 8906.

Abstract: Form 8906, Distilled Spirits Credit, was developed to carry out the provisions of IRC section 5011(a). This section allows eligible wholesalers and persons subject to IRC section 5055 an income tax credit for the average cost of carrying excise tax on bottled distilled spirits. The form provides a means for the eligible taxpayer to compute the amount of credit. The burden for this information collection represents estate and trust filers and tax-exempt filers. The burden for individual filers is covered under 1545–0074, and the burden for business filers is covered under 1545–0123.

Current Actions: There is no change to the existing collection. However, the burden for individual filers and business filers is being removed to avoid duplication.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, and Not-for-profit institutions.

Estimated Number of Responses: 5.

Estimated Time per Respondent: 1 hour, 52 minutes.

Estimated Total Annual Burden Hours: 9.

10. Title: T.D. 9304—Guidance Necessary to Facilitate Business Electronic Filing Under Section 1561, T. D. 9329—Guidance Necessary to Facilitate Business Electronic Filing and Burden Reduction, T.D. 9451—Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules and T.D. 9759—Limitations on the Importation of Net Built-In Losses.

OMB Number: 1545–2019.

Regulation Project Numbers: TD 9304 (REG–161919–05), TD 9329 (REG–134317–05), TD 9451 (REG–161919–05) and TD 9759 (REG–161948–05).

Abstract: TD 9304, regulations provide guidance to taxpayers regarding how to allocate the amounts of tax benefit items under section 1561(a) amongst the component members of a controlled group of corporations which have an apportionment plan in effect. TD 9329, contains final regulations that simplify, clarify, or eliminate reporting burdens and also eliminate regulatory impediments to the electronic filing of certain statements that taxpayers are required to include on or with their Federal income tax returns. TD 9451, provides guidance to taxpayers for determining which corporations are included in a controlled group of corporations. TD 9759, provide guidance for preventing the importation of loss when a corporation that is subject to U.S. income tax acquires loss property tax-free in certain transactions and the loss in the acquired property accrued outside the U.S. tax system by requiring the bases of the assets received to be equal to value.

Current Actions: There are no changes to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 225,000.

Estimated Time per Respondent: 1 hr., 40 minutes.

Estimated Total Annual Burden Hours: 375,000.

11. Title: Election Involving the Repeal of the Bonding Requirement and Notification of Increase of Tax under § 42(j)(6).

OMB Number: 1545–2120.

Revenue Procedure Numbers: 2008–60; 2012–27.

Abstract: This revenue procedure affects taxpayers who are maintaining a surety bond or a Treasury Direct Account (TDA) to satisfy the low-income housing tax credit recapture exception in § 42(j)(6) of the Internal Revenue Code, as in effect on or before July 30, 2008. This revenue procedure provides the procedures for taxpayers to follow when making the election under section 3004(i)(2)(B)(ii) of the Housing Assistance Tax Act of 2008 (Pub. L. 110–289) to no longer maintain a surety bond or a TDA to avoid recapture.

Current Actions: There are no changes to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 7,810.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 7,810.

12. Title: Notice of Expatriation and Waiver of Treaty Benefits.

OMB Number: 1545–2138.

Form Number: Form W–8CE.

Abstract: Information used by taxpayers to notify payer of expatriation so that payer applies proper tax treatments. The taxpayer is required to provide this form to the payer to obtain any benefit accorded by the status.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households.

Estimated Number of Responses: 500.

Estimated Time per Respondent: 5 hours, 41 minutes.

Estimated Total Annual Burden Hours: 2,840.

13. Title: VITA/TCE Volunteer Program.

OMB Control Number: 1545–2222.

Form Number: 8653, 8654, 13206, 13715, 13977, 13978, 13979, 13979–A, 13980 and 13981, 14204, 14310, and 14335.

Abstract: The Internal Revenue Service offers free assistance with tax return preparation and tax counseling using specially trained volunteers. The Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs assist seniors and individuals with low to moderate incomes, those with disabilities.

Current Actions: There is a change in the paperwork burden previously approved by OMB. The agency has requested to add Forms 13977, 13978, and 14335 to this collection and has updated the form to meet 508 compliance. The information on the form can only be submitted to the IRS at *https://www.irs.gov/individuals/irs-tax-volunteers.* This process is part of Link and Learn (a self-paced e-learning for the Volunteer Income Tax Assistance and Tax Counseling for the Elderly (VITA/TCE) program).

Type of Review: Revision of currently approved collection.

Affected Public: Individuals and households.

Estimated Number of Responses: 49,750.

Estimated Average Time per Respondent: 37 minutes.

Estimated Total Annual Burden Hours: 17,377.

14. Title: Section 6708, Failure to Maintain List of Advisees with Respect to Reportable Transactions.

OMB Number: 1545–2245.

Regulation Project Number: TD 9764.

Abstract: This document contains final regulations relating to the penalty under Internal Revenue Code (IRC) section 6708 for failing to make available lists of advisees with respect to reportable transactions. IRC section 6708 imposes a penalty upon material advisors for failing to make available to the Secretary, upon written request, the list required to be maintained by IRC section 6112 within 20 business days after the date of such request. Treasury Regulations section 301.6708–1(c)(3)(ii) requires a material advisor requesting an extension of the 20-business-day period to provide certain information to the IRS to grant the extension. The final regulations primarily affect individuals and entities who are material advisors, as defined in IRC section 6111. These burden estimates are only for individual filers, and trust and estate filers. The burden estimates for other filers are covered under OMB control number 1545–0123 for business filers.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, Estates, and Trusts.

Estimated Number of Responses: 5.

Estimated Time per Respondent: 8 hours.

Estimated Total Annual Burden Hours: 40 hours.

15. Title: Estate (and Generation-Skipping Transfer) Tax Return and Related Forms.

OMB Number: 1545–0015.

Abstract: The executor of a decedent's estate uses Form 706, and related returns, to figure the estate tax imposed by chapter 11 of the Internal Revenue Code. This tax is levied on the entire taxable estate and not just on the share received by a particular beneficiary. Form 706 is also used to figure the generation-skipping transfer (GST) tax imposed by chapter 13 on direct skips (transfers to skip persons of interests in property included in the decedent's gross estate).

Current Actions: IRS is redesigning the *United States Estate (and Generation-Skipping Transfer) Tax Return* and separating the schedule into separate documents. The revision to the forms are not substantively changing the use of the form or the data being collected. In addition, consolidating the series (Forms 706, 706–A, 706–CE, 706–GS(D), 706–GS (D–1), 706–GS (T), 706–NA, and 706–QDT) under one OMB control number (1545–0015).

Currently, there are 29 forms, used by executors pertaining to the decedent's estate tax reporting requirements.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households and Businesses or other for-profit organizations.

Estimated Number of Respondents: 25,037.

Estimated Time per Respondent: 10 hrs. 10 min.

Estimated Total Annual Burden Hours: 254,424.

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

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2025–11804 Filed 6–25–25; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans Rural Health Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch. 10., that the Veterans Rural Health Advisory Committee will hold its virtual meeting through TEAMS Channel on Tuesday, July 22, 2025. The meeting will convene at 11:00 a.m., Eastern Standard Time (EST) each day and adjourn at 3:00 p.m. (EST). The meeting sessions are open to the public through a meeting link online *https://bit.ly/43oybqQ*; or by telephone, 1–872–701–0185 (Toll) Conference ID: 337 989 820#.

The purpose of the Committee is to advise the Secretary of VA on rural health care issues affecting Veterans. The Committee examines programs and policies that impact the delivery of VA rural health care to Veterans and discusses ways to improve and enhance VA access to rural health care services for Veterans.

The agenda will include updates from Department leadership; the Executive Director, VHA Office of Rural Health; and the Committee Chair; as well as presentations by subject-matter experts on general rural health care access.

Time will be allocated for receiving public comments on July 22, 2025, from 2:30–3:00 p.m. EST. Interested parties should forward written comments to Mr. Paul Boucher, by email at *paul.boucher@va.gov,* or by mail to 15 Challenger Dr., Lewiston, Maine 04240. Individuals wishing to speak are invited to submit a 1–2-page summary of their comment for inclusion in the official meeting record no later than close of business on July 7, 2025. Any member of the public seeking additional information should contact Mr. Boucher at the email address noted above or 207–458–7129.

Dated: June 24, 2025.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–11773 Filed 6–25–25; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

VA's National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. Ch.

10, that a meeting of the VA's National Academic Affiliations Council (NAAC) will be held on August 13, 2025–August 14, 2025, at the Minneapolis VA Health Care System, 1 Veterans Drive, Minneapolis, MN 55417. The meeting sessions will begin and end as follows:

Date	Time	Location	Open session
Wednesday, August 13 2025 ..	9:00 a.m. to 2:00 p.m. Central Standard Time (CST).	The Minneapolis VA Health Care System, 1 Veterans Drive, Minneapolis, MN 55417.	Yes
Wednesday, August 13 2025 ..	2:00 p.m. to 3:30 p.m. CST	The Minneapolis VA Health Care System, 1 Veterans Drive, Minneapolis, MN 55417.	No
Wednesday, August 13 2025 ..	3:30 p.m. to 5:00 p.m. CST	The Minneapolis VA Health Care System, 1 Veterans Drive, Minneapolis, MN 55417.	Yes
Thursday, August 14, 2025	9:00 a.m. to 1:00 p.m. CST	The University of Minnesota, 420 Delaware Street SE, Minneapolis, MN 55455.	No

The meetings are open to the public, except when the Council is conducting tours of VA facilities. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6).

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On August 13, 2025, the Council will convene an open session and receive presentations and updates beginning at 9:00 a.m., CST. The agenda will include a presentation from the Minneapolis VA on academic relationships and accomplishments, updates from the Clinical Educator Protected Time for Teaching Subcommittee, the Strategic Academic Advisory Council (SAAC), and VHA Background, Suitability, Recruitment/Replacement Issues with Trainees. In the afternoon, the Council will begin the closed portion of the meeting from 2:00 p.m.–3:30 p.m. CST, as it tours the Minneapolis VA Health Care System. Tours of VA facilities are closed to protect Veterans' privacy and personal information, in accordance with 5 U.S.C Sec. 552b(c)(6). The Council will reconvene at 3:30 p.m. for discussions and recommendations. The Council will receive public comments from 4:30 p.m.–5:00 p.m. CST. The comment period may end sooner, if there are no comments presented or they are exhausted before the end time. The meeting will adjourn that day at 5:00 p.m. CST.

On August 14, 2025, the Council will convene a closed session and receive presentations and updates beginning at 9:00 a.m., CST. This portion of the meeting will be closed to the public to avoid disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. 552b (c)(6). The meeting will adjourn at 1:00 p.m. CST.

Interested persons may attend and present oral statements to the Council on August 13, 2025, during the public comment period. The designated public dial in number to attend the conference is 872 701 0185. At the prompt, enter meeting ID 422 691 047 #. A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting to Ms. Nellie Mitchell, Designated Federal Officer, or at any time via email to *Nellie.Mitchell@va.gov.* Any member of the public wishing to attend or seeking additional information should contact Ms. Mitchell via email or by phone at 608–358–9902.

Dated: June 23, 2025.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–11736 Filed 6–25–25; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 18

Marine Mammals; Incidental Take of Polar Bears During Specified Activities; North Slope, Alaska; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

[Docket No. FWS–R7–ES–2024–0140; FXES111607MRG01–245–FF07CAMM00]

RIN 1018–BI09

Marine Mammals; Incidental Take of Polar Bears During Specified Activities; North Slope, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, are revising a portion of our regulations under the Marine Mammal Protection Act pertaining to incidental take of marine mammals. These regulations, codified at 50 CFR part 18, subpart J, authorize the nonlethal, incidental, unintentional take by harassment of small numbers of polar bears from the Southern Beaufort Sea stock and Pacific walruses during year-round oil and gas industry activities in the Beaufort Sea (Alaska and the Outer Continental Shelf) and adjacent northern coast of Alaska. Such take may result from oil and gas exploration, development, production, and transportation activities occurring through August 5, 2026. The revisions made by this final rule authorize incidental Level A harassment of polar bears in addition to the incidental Level B harassment of polar bears and Pacific walruses already authorized. No lethal take is authorized under this rule.

DATES: This rule is effective June 26, 2025 and remains effective through August 5, 2026.

Information Collection Requirements: If you wish to comment on the information collection requirements in this rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this rule between 30 and 60 days after the date of publication of this rule in the **Federal Register**. Therefore, comments should be submitted to OMB by July 28, 2025.

ADDRESSES:

Document availability: You may view this rule, the associated final supplemental environmental assessment and finding of no significant impact (FONSI), and other supporting material at *https://www.regulations.gov* under Docket No. FWS–R7–ES–2024–0140, or these documents may be requested as described under **FOR FURTHER INFORMATION CONTACT**.

Information Collection Requirements: This final rule is effective on the date set forth in DATES. We will, however, accept and consider all public comments concerning the information collection requirements received in response to this final rule. Written comments and suggestions on the information collection requirements may be submitted at any time to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, by email to *info_coll@fws.gov;* or by mail to 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803. Please reference ''OMB Control Number 1018–BI09/0070'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Stephanie Burgess, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road, MS–341, Anchorage, AK 99503, telephone 907–786–3844, or email: *R7mmmregulatory@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:

Immediate Promulgation

In accordance with the Administrative Procedure Act (APA; 5 U.S.C. 553(d)(3)), we find that we have good cause to make this rule effective less than 30 days after the date of publication. Immediate promulgation of the rule will ensure that the applicant will continue to implement mitigation, monitoring, and reporting requirements that reduce potential impacts to polar bears *(Ursus maritimus)* and Pacific walruses *(Odobenus rosmarus divergens),* will allow the applicant to receive coverage under the Marine Mammal Protection Act (MMPA) for potential take of polar bears by Level A harassment, increase our understanding of impacts that result from the applicant's activities, and thus further our conservation objectives. Further, because the applicant's activities are ongoing, with no change required to those activities by this final rule, the applicant does not need time to adjust its behavior in response to this rule. Finally, this final rule recognizes an exemption that is afforded the applicant under the MMPA.

Background

In accordance with the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1371 *et seq.*), and its implementing regulations, the U.S. Fish and Wildlife Service (Service) finalized incidental take regulations in 2021 (hereafter, ''2021–ITRs'') in response to a request from the Alaska Oil and Gas Association (AOGA). The request was for regulations to provide for the issuance of letters of authorization (LOA) for incidental take of small numbers of Pacific walruses and Southern Beaufort Sea (SBS) polar bears during specified oil and gas industry (''Industry'') activities in the Beaufort Sea and adjacent northern coast of Alaska over a 5-year period (86 FR 42982, August 5, 2021). The regulations were added to title 50 of the Code of Federal Regulations (CFR) in part 18 at subpart J and expire August 5, 2026. The 2021–ITRs authorize, via Service-issued LOAs, the incidental Level B harassment of up to 15 Pacific walruses and 92 SBS polar bears each year. The 2021–ITRs do not authorize (or facilitate the authorization of) any incidental Level A harassment or lethal take of any marine mammals during specified Industry activities, and any such take remains prohibited by the MMPA.

The 2021–ITRs, along with the accompanying National Environmental Policy Act (NEPA) environmental assessment and Endangered Species Act (ESA) biological opinion, were challenged in litigation that commenced in the United States District Court for the District of Alaska (District Court). On March 30, 2023, the District Court issued summary judgment in favor of the Service upholding the 2021–ITRs. Portions of this ruling were appealed to the United States Court of Appeals for the Ninth Circuit (Appellate Court). On March 19, 2024, a three-judge panel of the Appellate Court issued an order that affirmed in part, and reversed in part, the District Court ruling. The Appellate Court panel declined to vacate the 2021–ITRs but issued a remand that requires the Service to conduct additional analysis and, depending on the results, potentially take regulatory action. In their remand order, specific only to polar bears, the Court directed (omitting internal references):

> ''We . . . remand to the Service to offer a fuller explanation for its determination that no Level A incidents are expected during the period covered by the 2021 ITR. . . . In assessing the 'negligible impact' prong on remand, the Service may, consistent with its expertise, emphasize certain outputs over others. However, given the MMPA's two-part conception of take, it must determine

whether aggregating serious and non-serious Level A take yields a 'reasonably likely' result. . . . If so (as the 75 percent figure proffered by Plaintiffs suggests), the Service will then need to determine (i) whether any Level A take predicted will affect only 'small numbers' of bears and have a 'negligible impact' on the subpopulation and, if so, (ii) whether to issue an updated ITR covering Level A take or no ITR at all. . . .

Hence, we . . . remand to the Service so that it may (i) aggregate serious and non-serious Level A take together . . . and (ii) determine whether the five-year risk of such take of a denning cub is 'reasonably likely'. . . . To the extent that it is, the Service must then evaluate whether the five-year impacts of Level A take is 'negligible' and whether such take will be of 'small numbers' of bears and possibly amend or reverse the 2021 ITR.''

Accordingly, the Service conducted additional analysis consistent with the Appellate Court's direction and reported preliminary results and determinations in a proposed rule (89 FR 88216, November 7, 2024). The proposed rule reported the Service's preliminary determinations that, while no lethal take is predicted to occur over the remainder of the 2021–ITRs' effective period, it is likely that Level A harassments of polar bears will occur, and that authorizing such take is consistent with MMPA standards. The proposed rule therefore proposed to amend the 2021–ITRs to allow the request for and issuance of LOAs authorizing take by Level A harassment of polar bears that may result from Industry activities.

Section 101(a)(5)(A) of the MMPA gives the Secretary of the Interior (Secretary) the authority to allow the incidental, but not intentional, taking of small numbers of marine mammals, in response to requests by U.S. citizens (as defined in 50 CFR 18.27(c)) engaged in a specified activity (other than commercial fishing) within a specified geographic region. The Secretary has delegated authority for implementation of the MMPA to the Service. According to the MMPA (section 101(a)(5)(A)(i)), the Service shall allow this incidental taking if we find the total of such taking for a 5-year period or less:

(1) will affect only small numbers of marine mammals of a species or population stock;

(2) will have no more than a negligible impact on such species or stocks;

(3) will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence use by Alaska Natives; and

(4) we issue regulations that set forth:

(a) permissible methods of taking;

(b) other means of effecting the least practicable adverse impact on the species or stock and its habitat, and on the availability of such species or stock for subsistence uses; and

(c) requirements for monitoring and reporting of such taking.

If final regulations allowing such incidental taking are issued, we may then subsequently issue LOAs, upon request, to authorize incidental take during the specified activities.

The term ''take'' as defined by the MMPA, means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362(13)). Harassment, as defined by the MMPA, for activities other than military readiness activities or scientific research conducted by or on behalf of the Federal Government, means ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild'' (the MMPA defines this as Level A harassment); or ''(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering'' (the MMPA defines this as Level B harassment) (16 U.S.C. 1362(18)).

The terms ''negligible impact'' and ''unmitigable adverse impact'' are defined in 50 CFR 18.27 (the Service's regulations governing small takes of marine mammals incidental to specified activities). ''Negligible impact'' is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. ''Unmitigable adverse impact'' means an impact resulting from the specified activity (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

The term ''small numbers'' is also defined in § 18.27. However, we do not rely on that definition here as it conflates ''small numbers'' with ''negligible impact.'' We recognize ''small numbers'' and ''negligible impact'' as two separate and distinct requirements for promulgating incidental take regulations (ITRs) under the MMPA (see *Natural Res. Def. Council, Inc.* v. *Evans,* 232 F. Supp. 2d 1003, 1025 (N.D. Cal. 2002)). Instead, for our small numbers determination, we estimate the likely take of marine mammals and evaluate if whether the number of marine mammals with take is small relative to the size of the species or stock.

The term ''least practicable adverse impact'' is not defined in the MMPA or its implementing regulations. The Service ensures the least practicable adverse impact by requiring mitigation measures that are effective in reducing the impact of Industry activities but are not so restrictive as to make Industry activities unduly burdensome or impossible to undertake and complete.

The MMPA does not require Industry to obtain an incidental take authorization; however, any taking that occurs without authorization is a violation of the MMPA. Since 1993, the oil and gas industry operating in the Beaufort Sea and the adjacent northern coast of Alaska has requested, and we have issued, incidental take regulations (ITRs) for the incidental take of Pacific walruses and polar bears within a specified geographic region during specified activities. For a detailed history of our current and past Beaufort Sea ITRs, refer to the **Federal Register** at 81 FR 52276, August 5, 2016; 76 FR 47010, August 3, 2011; 71 FR 43926, August 2, 2006; and 68 FR 66744, November 28, 2003. This final rule confirms the preliminary determinations made in the proposed rule and amends regulations that are codified at 50 CFR part 18, subpart J (§§ 18.119 to 18.129).

Changes to 50 CFR Part 18, Subpart J

The 2021–ITRs are amended to allow an applicant to request and the Service to authorize the incidental Level A harassment of polar bears, in addition to the incidental Level B harassment of polar bears and Pacific walruses that the Service may already authorize. The lethal incidental take of polar bears continues to be prohibited, as does any Level A harassment or lethal take of Pacific walrus.

Summary of Changes From the Proposed Rule

In preparing this final rule that revises the final rule of August 5, 2021 (86 FR 42982), for the incidental take of polar bears and Pacific walruses, we reviewed and considered comments and information from the public on our proposed rule that published in the **Federal Register** on November 7, 2024 (89 FR 88216). We also reviewed and considered comments and information

from the public on our draft supplemental environmental assessment. Based on those considerations, we are finalizing these regulations with no changes to the regulatory text but with the following changes to our MMPA determinations or other preambulatory text:

- The Service corrected a mathematical error, changing the number of expected takes by Level B harassment over a 2-year period from 186 to 184 (92+92=184).
- The Service clarified ambiguous wording surrounding the outcome of the fourth den that was encountered in the 2022 − 2023 period and the distance of the den to Industry.
- The Service clarified the timing of the litter survival estimates used in our denning analysis and cited in Andersen et al. 2024. References to ''litter survival'' at approximately 100 days were changed to ''survival after spring den emergence'' to align more closely with the original dataset.
- The Service added a statement that our estimates concerning non-denning polar bears remain unchanged from the 2021–ITRs.
- The Service added an additional figure that illustrates litter survival probability distributions and mean survival rates that incorporate both Level A and lethal take for the land-based SBS polar bear stock during the remaining 2-year period of the timeframe of the 2021–ITRs.
- The Service has expanded our descriptions of our negligible impact and small numbers findings to more clearly present those findings at both a 2-year and 5-year time scale.
- The Service added a consideration of mitigation measures suggested in public comments to our ''least practicable adverse impacts'' discussion.
- The Service revised our discussion on the estimated takes by Level A harassment. Instead of referring to ''Level A harassment events,'' we use the phrase ''Level A harassments'' because our modeling estimates that two takes by harassment may occur in one event (*i.e.,* if two cubs from the same den are disturbed).
- The Service made four key updates to our assessment of case studies, generated updated model outputs, and has provided updated estimates of take.

New Information and Analysis

Aggregated Level A Harassment Across 5-Year Period

In conducting the additional analysis required by the Court's remand, the Service utilized best available scientific evidence. New information has been acquired, and several advancements in the Service's analytical methods have been made subsequent to the promulgation of the 2021–ITRs. Many of these advancements were recently described and considered in an incidental harassment authorization that was issued by the Service to the Bureau of Land Management (88 FR 88943, December 26, 2023).

Specifically, the denning analysis described in the 2021–ITRs was conducted using the simulation of annual land-based maternal polar bear dens, spatially and temporally explicit descriptions of Industry activity, and predictions of polar bear response rooted in distributions established from den disturbance case studies (*See* 86 FR 42982, August 5, 2021). For each of the five winter seasons analyzed in the 2021–ITRs, a series of dens was simulated by assigning each a location on the landscape, the sow's entrance date, the number of cubs she bore, the cub(s)' birthdate, den emergence date, and den departure date. We then overlaid the season's Industry activity across the same landscape and simulated whether polar bears within maternal dens that fell within a mile of activity responded to Industry-caused disturbances, and if so, how. Potential responses include disturbance of the sow inside the den, den abandonment, early emergence from the den, and early departure from the den site. Polar bear disturbance responses that occurred during the den establishment period were estimated to result in Level B harassment of the sow (no cubs are present during this period). Responses that occurred during the early denning period were estimated to result in Level B harassment of the sow and lethal take of the cub(s). Responses that occurred during the late denning period were estimated to result in Level B harassment of the sow and ''serious Level A harassment'' (*i.e.,* likely to result in cub mortality) of the cub(s). Responses during the post-emergence period were estimated to result in Level B harassment of the sow and ''nonserious Level A harassment'' (*i.e.,* not likely to result in cub mortality) of the cub(s).

The denning model was created to assess individual denning seasons and has included several levels of assumptions that generate an estimate of the potential annual impacts to denning polar bears that is somewhat conservative in that it is more likely to overstate, rather than understate, potential impacts. Use of this methodology achieved the objective of ensuring that actual impacts would not exceed what was contemplated in the incidental take authorization and would remain consistent with applicable MMPA thresholds. However, when applied to activities spanning a 5-year period, conservative aspects of certain model assumptions are amplified in a manner that risks unduly overstating projected aggregate impacts, raising the possibility that incidental take resulting from specified activities with acceptable levels of impacts could not be authorized, a scenario that would be inconsistent with the intent of section 101(a)(5)(A) of the MMPA. Thus, in complying with the remand's direction to aggregate Level A harassment estimates over a 5-year period, we reexamined the denning model to incorporate newly available scientific evidence and further refine certain model assumptions where appropriate to achieve greater accuracy.

Since 2021, LOA applicants have annually provided the Service with revised project descriptions and geospatial files that more precisely reflected the scope of their planned activities to be conducted during the ensuing (1-year) LOA period, as compared with the descriptions of specified activities provided during development of the 5-year ITRs. We used the revised files in the present analysis as they constitute the best available information concerning the scope of Industry's specified activities. We also account for AOGA's clarification that no onshore terrestrial seismic surveys will occur during the winter of 2024–2025. Potential seismic surveys in the winter of 2025–2026 remain within the scope of AOGA's specified activities and were analyzed during our re-analysis.

As a condition of their authorizations, LOA holders also submit records of all polar bear encounters during their activities. Using this information, and records from separate activities that were not operating under the 2021–ITRs, we incorporated data from recently observed dens into our disturbance probabilities and litter size distributions, modified the model to incorporate newly published data that describes the relationship between den emergence date, den departure time, and litter survival (Andersen et al. 2024), and updated the simulation of dens across the landscape to now include several previously unidentified areas that may sustain polar bear dens.

Four known dens (monitored in 2022 and 2023) have occurred near human activity since the promulgation of the 2021–ITRs. Of the four newly observed dens, three were extremely close to human activity (<50 meters), and the

fourth was slightly farther away, but within 800 meters of human activity. Despite their close proximity to potential disturbance, the sows remained in their dens until the late denning period. We updated polar bear disturbance probabilities and litter size distributions with the information from these dens, then reexamined the historic dens that were used to create disturbance probabilities. We found that the distances between human activity and polar bear dens that experienced an observed disturbance response during the early denning period were considerably closer than those dens that experience an observed disturbance response during other denning periods. Specifically, of the 15 dens within the case studies that were exposed to human activity during the early denning period, only 1 was potentially disturbed at a distance greater than 800 meters. This single den record also had imprecise information on the distance to human activity, so activity was assumed to occur within 1,610 meters of the den and was likely closer.

The historic dens analyzed during the den establishment, late denning, and post-emergence periods did not follow this pattern. For those dens, disturbance distances commonly exceeded 805 meters. Evidence derived from dens exposed to human activity during the early denning period, including both new den records and historic dens, illustrates the reluctance of sows to abandon their maternal den/cubs in response to exposure to stimuli from nearby activity and support the concept that sows may be more risk tolerant during the early denning period. Additionally, sows may be less affected by sound from outside activities during the early denning period because dens are typically closed during that time, which can reduce propagation of noise into the den (Owen et al. 2020). Given this evidence, we modified the denning analysis model to adjust the impact area for the early denning period to range from 0 to 805 meters. As a result, dens that were simulated to be within 805 meters of human activity could be disturbed during all denning periods, while dens between 806–1,610 meters of human activity could be disturbed only during the den establishment, late denning, and post-emergence periods.

Finally, the method for categorizing certain disturbance responses was modified to comply with the Court's direction to provide aggregated estimates of Level A harassment and to better align the model results with the categories of ''take'' defined in the MMPA. In the preamble to the 2021–ITRs, we drew a distinction between ''serious Level A'' and ''nonserious Level A'' harassment and largely addressed these categories separately. If a sow and cub(s) emerged early (*i.e.,* during the late denning period), the litter was assigned serious Level A harassment(s). If the sow and cub(s) departed the den site early (*i.e.,* during the post-emergence period), the litter was assigned nonserious Level A harassment(s). These categories were based on the historic den disturbance case studies. Now we omit the ''serious''/''non-serious'' dichotomy and instead report results that aggregate all estimated Level A harassments. If an exposure resulted in disturbance during either of these periods, we assigned a Level A harassment to each cub in the litter (Table 1).

TABLE 1—PROBABILITY OF SIMULATED EXPOSURES RESULTING IN DISTURBANCE RESPONSE TO DENNING POLAR BEARS

[MMPA Level A and Level B harassment and lethal take]

Denning period	None (sow or cub(s))	Level B (sow)	Level B (cub(s))	Level A (cub(s))	Lethal (cub(s))
Den establishment	0.75	0.25	N/A	N/A	N/A
Early denning	0.92	0.08	0.00	0.00	0.08
Late denning	0.68	0.32	0.00	0.32	0.00
Post emergence—previously undisturbed den	0.00	1.00	0.32	0.68	0.00
Post emergence—previously disturbed den	0.00	1.00	0.67	0.33	0.00

We also use newly described relationships between den emergence date, den departure time, and litter survival (Andersen et al. 2024) to assign litter survival rates to simulated dens that experienced Level A harassment, a method used in recent polar bear take authorizations (88 FR 88943, December 26, 2023). If an exposure resulted in a disturbance response during the late denning period, we first assigned that den a new random earlier emergence date. We then simulated whether that den was disturbed during the post-emergence period. Dens that were disturbed during the post-emergence period were also assigned a new random earlier den departure date. We relied on estimates of litter survival derived from empirical data from observations of family groups in the spring after den emergence (Andersen et al. 2024) to determine the fitness consequence of the Level A harassment, and we consider this information below when addressing the MMPA's negligible impact standard. This revised methodology provides a clearer and more in-depth understanding of the potential fitness consequence of polar bear disturbance.

As in the existing 2021–ITRs, some concepts and mitigation measures could potentially reduce impacts to polar bears, but they are not reflected in our take estimates because their mitigative benefit is not quantifiable. For example, LOA holders must train their staff to identify the characteristics of a polar bear den, and if a suspected den is identified, they must cease operations and notify the Service. However, the efficacy of this technique cannot be quantified and could not be accounted for in the model results. Consideration of the conservative nature of certain model assumptions along with qualitative factors suggests that if the actual number of Level A harassment events does not align with the median model output, then the actual number of Level A harassment events would be fewer than modeled. However, we find, based on best professional judgment, that Level A harassment is reasonably likely to occur, and is anticipated, during the 5-year period of the 2021–ITRs (table 2).

TABLE 2—ANTICIPATED LEVEL A HARASSMENT OF POLAR BEARS OVER THE 5-YEAR PERIOD OF THE 2021–ITRS

Type of take	Probability	Mean	Median	95% CI *
Level A harassment	0.85	3.50	3	0–10

* Confidence interval (CI).

We base this conclusion on the strength of the modeled probability of Level A harassment (0.85), the estimated median number of harassments (3), and denning observations that have occurred within the area of the 2021–ITRs subsequent to the promulgation of the regulations in 2021. Of the four dens that have been observed within 1 mile of the human activity since 2021, two polar bear family groups appear to have spent less time at the den site during the post-emergence period than average. Following the relationship between den emergence date and den departure date described by Andersen et al. (2024), the cubs in the early departing family groups may have experienced a reduction in fitness and, as a result, a temporary decrease in their probability of survival. The Service considers such reductions in fitness as ''injuries'' for the purposes of interpreting the MMPA's definition of Level A harassment.

Our reanalysis led to the conclusion that Level A harassment of polar bears is reasonably likely to occur during the 5-year effective period of the 2021–ITRs. Due to this conclusion, and in light of the Court's remand, we proposed to revise aspects of the 2021–ITRs that pertain to polar bears (but not Pacific walruses). In light of the final determinations reported below, we now finalize those proposed revisions via this final rule.

Small Numbers Determination

In addressing the MMPA's ''small numbers'' requirement, we began by focusing on the impact of AOGA's specified activities that may occur during the 2 remaining years of the 2021–ITRs (which expire August 5, 2026), *i.e.,* the activities to which these revised regulations will apply. We then address the remand directive to consider the 5-year period.

Small Numbers—Remaining 2-Year Period

Using the updated information and denning model methodology described above, we estimated the potential Level B harassment, Level A harassment, and lethal take of denning polar bears that may occur as a result of these specified activities (table 3). Our estimates concerning non-denning bears remain unchanged from the 2021–ITRs.

TABLE 3—ANNUAL (1-YEAR) AND AGGREGATE (2-YEAR) ESTIMATES OF MMPA TAKE OF DENNING POLAR BEARS UNDER THE 2021–ITRS

[August 6, 2024, through August 5, 2026]

Type of Take	Probability	Mean	Median	95% CI
Level B harassment: 2-year	0.92	2.80	3	0–7
Level B harassment: 1-year	0.72	1.41	1	0–5
Level A harassment: 2-year	0.60	1.68	2	0–6
Level A harassment: 1-year	0.37	0.85	0	0–4
Lethal take: 2-year	0.34	0.73	0	0–4
Lethal take: 1-year	0.19	0.38	0	0–1

We have determined that AOGA's specified activities over the remaining 2 years of the 2021–ITRs would incidentally take small numbers of SBS polar bears. For this determination, we consider whether the estimated number of marine mammals to be subjected to incidental take is small relative to the population size of the species or stock.

1. *Within the specified geographical region, the area of Industry activity is expected to be small relative to the range of polar bears.* SBS polar bears range well beyond the boundaries of the Beaufort Sea 2021–ITRs region. As such, the region represents only a subset of the potential area in which SBS polar bears may occur. Further, only seven percent of the 2021–ITRs area (518,800 ha of 7.9 million ha) is estimated to be impacted by Industry activities, even accounting for a disturbance zone surrounding industrial facility and transit routes. We anticipate roughly five percent of yearly SBS dens may be within the disturbance zone, which is a small percentage. Thus, the area of Industry activity will be relatively small compared to the range of polar bears.

We expect that only small numbers of the SBS polar bear stock would be taken by the Industry activities specified in the 2021–ITRs because SBS polar bears are widely distributed throughout their expansive range, which encompasses areas beyond the Beaufort Sea 2021–ITRs region, meaning only a small proportion of the SBS polar bear stock will occur in the areas where Industry activities will occur, and the estimated number of polar bears that could be impacted by the specified activities is small relative to the size of the stock.

2. *The estimated number of polar bears that will be harassed by Industry activity is small relative to the number of animals in their stocks.* The Beaufort Sea 2021–ITRs region is completely within the range of the SBS stock of polar bears, and during some portions of the year polar bears can be frequently encountered by Industry. From 2014 through 2018, Industry made 1,166 polar bear reports comprising 1,698 bears. However, when we evaluated the effects upon the 1,698 bears observed, we found that 84 percent (1,434) did not experience take. Over those 5 years, Level B harassments of polar bears totaled 264, approximately 15.5 percent of the observed bears. No other forms of take or harassment were observed. Annually an average of 340 polar bears were observed during Industry activities. The number of observed Level B harassment events averaged 53 per year from 2014 to 2018. In the years since promulgation of the 2021–ITRs, final LOA reports have not indicated that the actual number of Level B harassment events has exceeded those estimated in the original rule. We conclude that over the remaining 2 years of the 2021–ITRs, Industry activities will result in a similarly small

number of incidental harassments of polar bears.

Based on this information derived from Industry observations, along with the results of the Service's own predictive modeling analysis described above, we estimate that no more than 184 Level B harassment takes and 2 Level A harassment takes of polar bears will occur during the remaining 2 years of the 2021–ITRs, with no more than 92 Level B and 2 Level A harassment takes occurring within a single year. The estimate of Level A harassment takes was derived using the median value from the Service's modeling analysis (table 3). The median was used because the distribution of possible Level A harassments was non-normal and heavily skewed, as indicated by markedly different mean and median values. In such circumstances,, the median is an appropriate measure of the central tendency in the data and more reflective of what is likely to occur. The estimate of 2 Level A harassment takes is consistent with the number of cubs most often present in a given den. Conservatively assuming that, in a given year, each estimated take will accrue to a different individual polar bear, we note that take of 94 animals is 10.36 percent of the best available estimate of the current stock size of 907 animals in the SBS stock (Bromaghin et al. 2015, Atwood et al. 2020) ((94÷907)×100≈10.36), and we find that this proportion represents a ''small number'' of polar bears of that stock. While we do not have data to estimate the frequency of repeated Level B harassments to the same polar bear in different years, polar bears exhibiting terrestrial habitat preferences may be harassed repeatedly. Thus, it is highly probable that the number of individuals experiencing Level B harassment over the 2024–2026 period is less than 184.

Small Numbers—5-Year Period

While the final rule does not retroactively authorize any incidental take, we also address the remand directive to ''evaluate the five-year impacts of Level A take'' and determine whether that take ''will be of 'small numbers' of bears.'' The same general factors supporting our ''small numbers'' determination for the 2-year period also apply to the 5-year period, and we do not anticipate more than 92 Level B harassments or 2 Level A harassments occurring in any year over the 5-year period. Once again conservatively assuming that each estimated take over the 5-year period accrues to a different individual polar bear, we note that take is not anticipated to exceed 94 animals in any of the 5 years and take of 94 animals is 10.36 percent of the best available estimate of the current stock size of 907 animals in the SBS stock. This proportion represents a ''small number'' of polar bears of that stock. We conservatively base this determination on all the specified activities originally described in AOGA's request, *i.e.,* without discounting the estimated take associated with specified activities that were planned for the initial 3 years of the 2021–ITRs but did not actually occur.

Negligible Impact Determinations

In addressing the MMPA's ''negligible impact'' requirement, we began by focusing on the impact of AOGA's specified activities that may occur during the 2 remaining years of the 2021–ITRs (which expire August 5, 2026), *i.e.,* the activities to which these revised regulations will apply. We then address the remand directive to consider the 5-year period.

Negligible Impact—Remaining 2-Year Period

We have determined that AOGA's specific activities would result in a negligible impact to the SBS stock of polar bears. For our negligible impact determination, we consider the following:

1. *The number of polar bears that use the terrestrial habitat of the North Slope is small in relation to the entire SBS stock.* The distribution and habitat use patterns of polar bears indicate that relatively few polar bears will occur in the specified areas of activity at any particular time and, therefore, few polar bears are likely to be affected.

2. *Mitigation measures will reduce potential impacts.* The applicant will be required to adopt monitoring requirements and mitigation measures designed to reduce the potential impacts of their operations on polar bears. Den detection surveys for polar bears and adaptive mitigation and management responses based on real-time monitoring information (described in the proposed rule, 89 FR 88216, November 7, 2024) will be used to avoid or minimize interactions with polar bears and, therefore, limit potential disturbance of these animals.

3. *The majority of human–polar bear interactions will result in no effect or short-term, temporary behavioral changes.* When developing estimates for Level B harassment, we have determined that there is a 99 percent chance that at least 81 percent of encounters with bears on the surface in the open water season and 63 percent of encounters with bears on the surface in the ice season are expected to result in no significant change in a biologically important behavior and we do not consider those interactions to result in a take. The remainder of encounters are anticipated to result in short-term, temporary changes in behavior that are considered a Level B take of the animal.

4. *Few dens would occur in proximity to Industry activities.* Our denning simulations show that on average six dens are estimated to occur within 1 mile of the specified activities during each of the next two denning seasons (2024–2025 and 2025–2026). This number represents roughly five percent of the approximately 120 SBS polar bear dens that are established each year. The mitigation measures required by the 2021–ITRs reduce the estimated number of Level A disturbed dens to 0.7 percent of the land-based dens and 0.35 percent of all dens in the SBS stock (figure 1).

Figure 1—Proportion of SBS land-based dens that are estimated to experience Level A disturbance each year. Land-based dens represent roughly half of the SBS maternal polar bear dens established each year.

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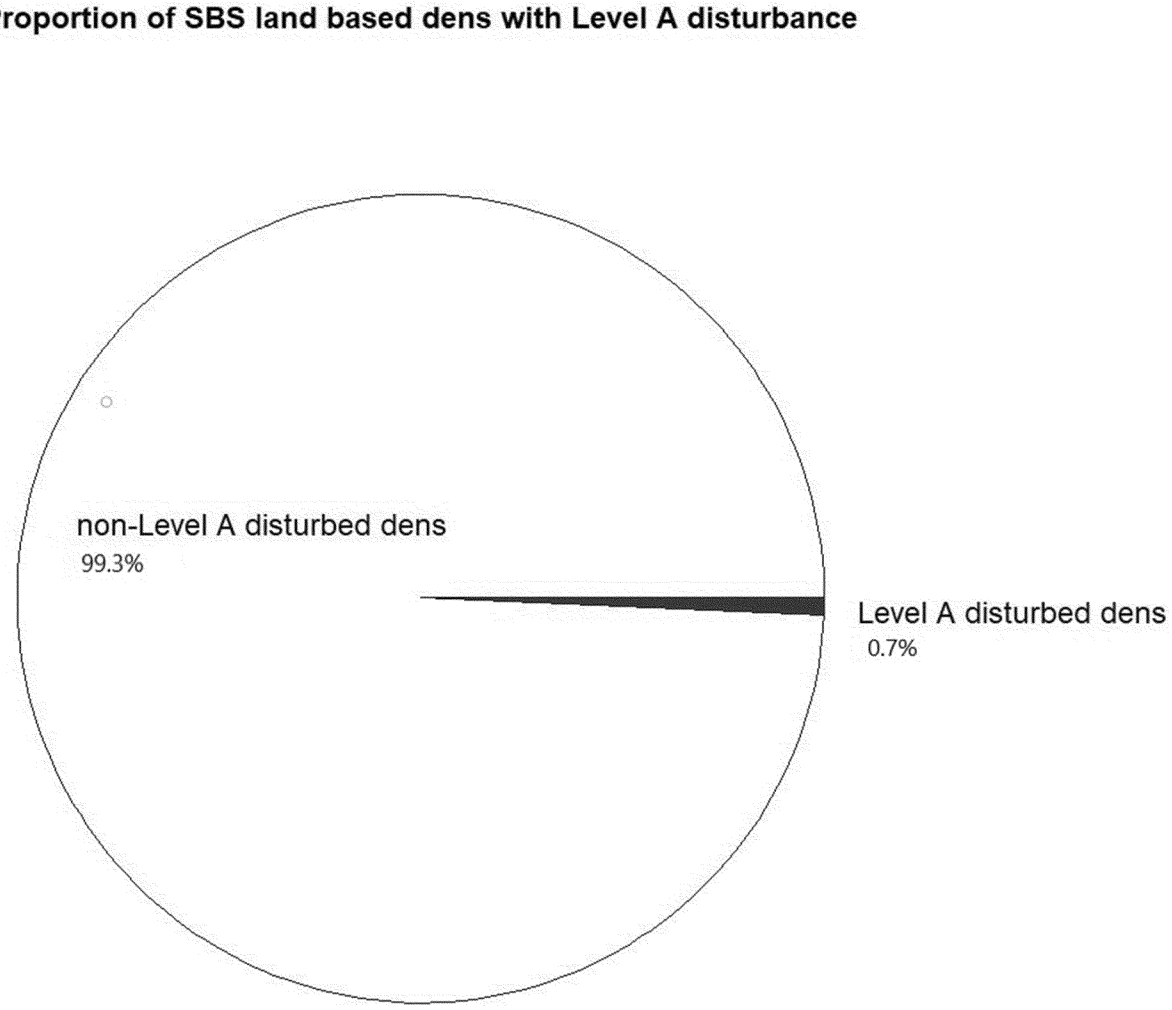

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5. *Anticipated Level A harassments will not alter the distribution of cub survival probabilities for the SBS stock.* We anticipate two Level A harassments may occur as a result of the specified activities over a period of 2 years. The updated denning analysis model allows us to examine the simulated dens to estimate the probability of litter survival in the spring following den emergence using both their undisturbed and disturbed (if applicable) emergence and departure dates. With this information, we can determine the average decrease in survival probability that can be attributed to potential Industry disturbance. Only 0.35 percent of dens within the SBS stock are anticipated to experience Level A harassment annually. For those dens that experience Level A harassment, the mean probability of litter survival before disturbance was 84.9 percent. After simulating disturbance, the mean probability of litter survival (*i.e.,* the probability that one or more cubs will be alive in their first spring) was 69.4 percent, a decrease of 15 percent. The metric of litter survival incorporates the best available scientific information, as the original number of cubs in a litter is an unknown in underlying empirical studies. While the metric does not account for partial litter loss (because a sow observed with one cub in the spring is assumed to have had an original litter size of one cub), it also cannot account for natural litter sizes of zero (because a sow observed with no cubs in spring is assumed to have lost a litter). Because this metric represents the best available information, and because it is not biased in only one direction, we feel it is the most appropriate available metric to reflect potential impacts to cub survival. However, given the low percentage of SBS dens that are anticipated to experience Level A harassment, the 15 percent decrease does not alter or shift the overall survival probability distribution for the SBS stock (figure 2). Further, if we examine the distribution of survival rates for the entire land-based SBS stock throughout the remaining 2 years of the 2021–ITRs, counting for potential decrease in survival due to both potential Level A harassment and potential lethal take (which is not anticipated due to the low annual probability of den abandonment, nor authorized under this rule), we see no more than a minor change in distribution and the mean survival rate decreases less one percent, from 84.5 percent to 84.2 percent (figure 3). Applying the undisturbed mean survival rate to the estimated number of litters produced annually by sows in SBS land-based dens, we expect the average estimated number of litters with at least one surviving cub in the spring to be 50.7, which we round to 51 litters. This estimate decreases to 50.5 when accounting for disturbance, which we also round to 51 litters, indicating the effect of disturbance at the population level is statistically insignificant.

Figure 2—Litter survival probability distributions for the annual land-based dens of the SBS polar bear stock. The x axes of these graphs depict the simulated probability that one or more cubs from a litter will be alive in the spring, and the y axes of

these graphs depict the relative occurrence of the survival probabilities in our simulations. (Top plot: Survival probabilities simulated with no disturbance from Industry. Bottom plot: Survival probabilities simulated with estimated Level A harassment from Industry activities.)

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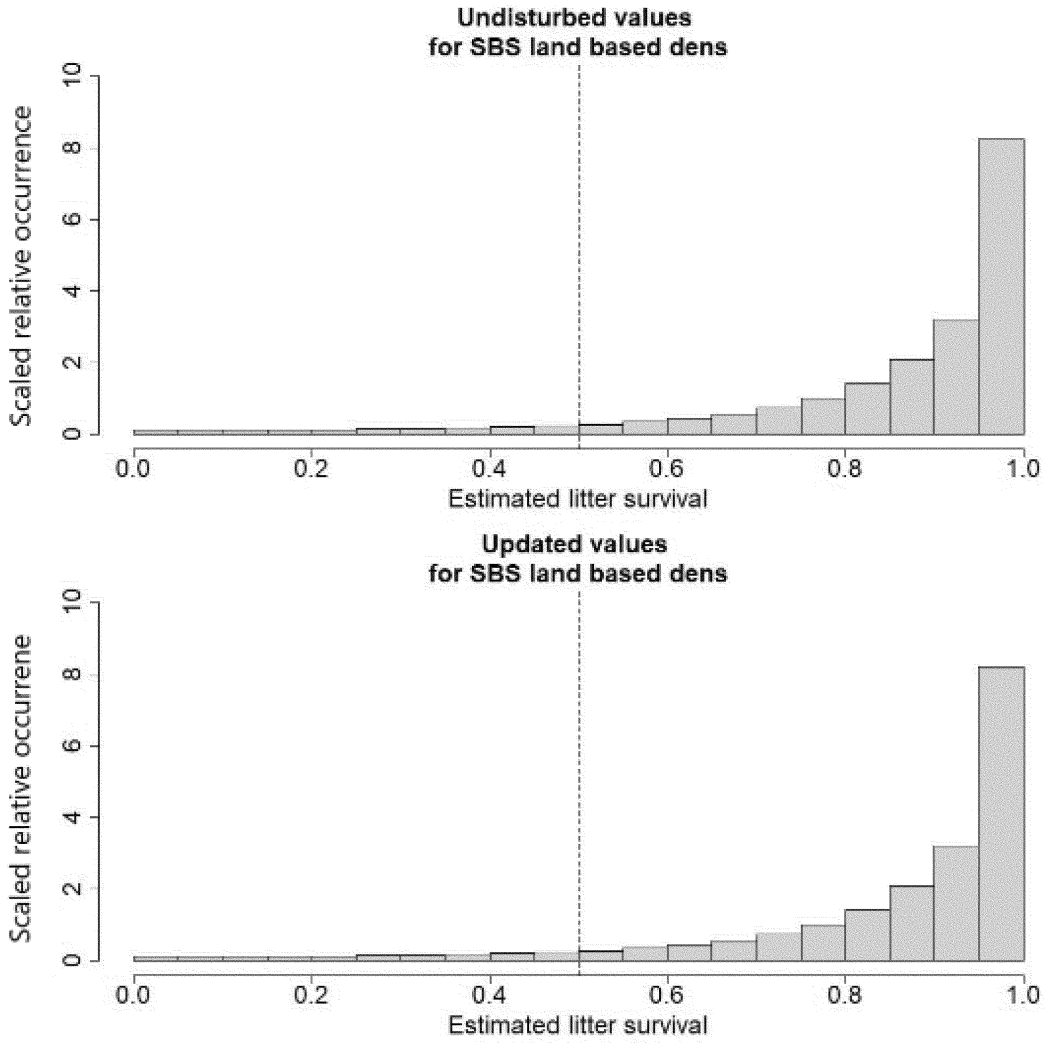
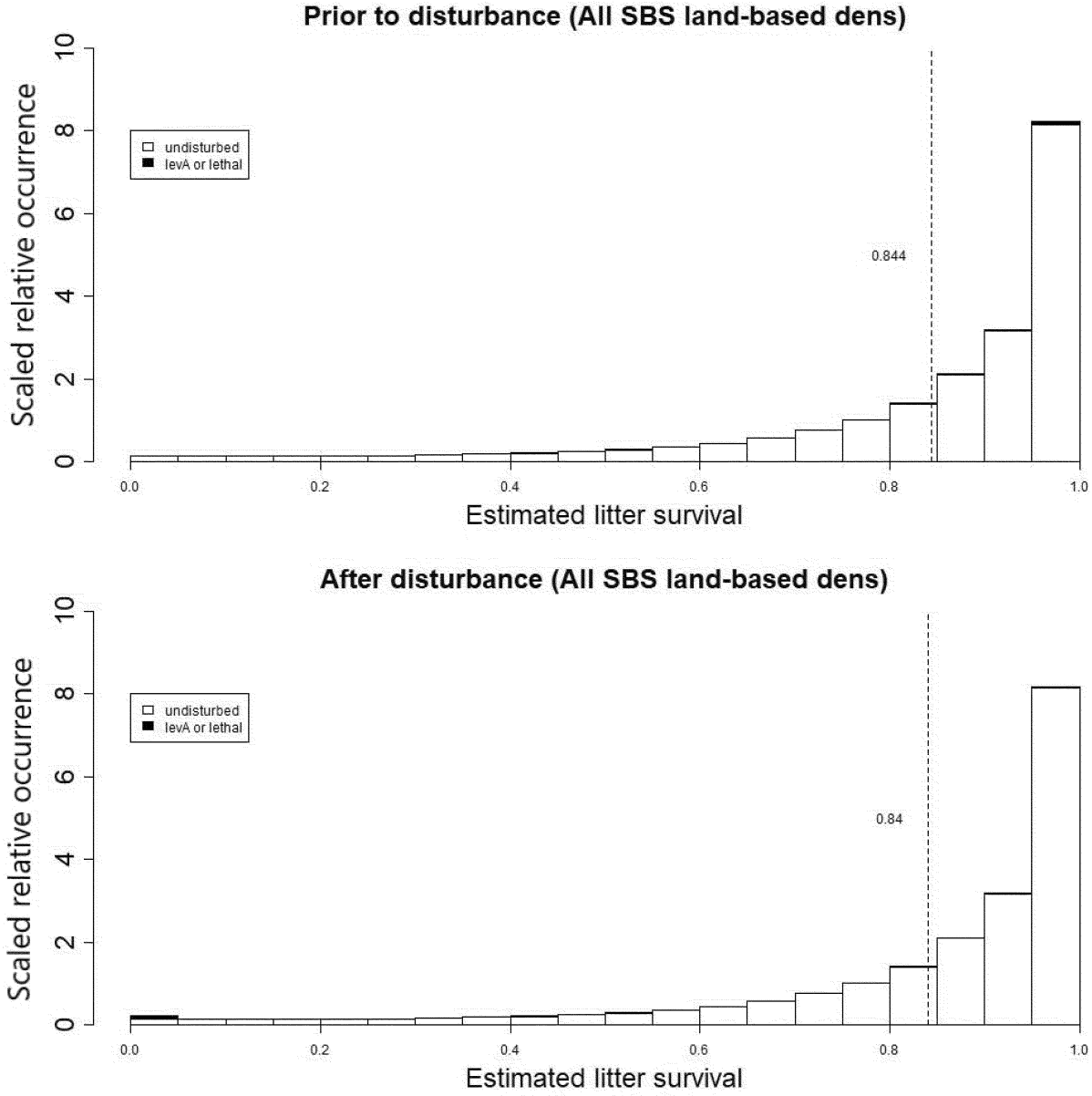


Figure 3—Litter survival probability distributions and mean survival rates for the land-based SBS polar bear stock during the total 2-year period of the 2021–ITRs. The x axes of these graphs depict the simulated probability that one or more cubs from a litter will be alive in the spring, and the y axes of these graphs depict the relative occurrence of the survival probabilities in our simulations. (Top plot: Survival probabilities simulated with no disturbance from Industry with mean survival rate. Bottom plot: Survival probabilities simulated after considering potential decrease in survival rate attributable to Industry activities.)



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6. *Lethal take via den abandonment is rare within the Southern Beaufort Sea stock.* Records of den abandonment in the oilfield are rare—we have only one account of potential den abandonment within the 13 case studies used to develop early denning period disturbance rates. Applying the denning model, the greatest annual simulated probability of lethal take in the final 2 years of the 2021–ITRs is 0.19. The aggregated probability of lethal take over a 2-year period is 0.34. This modeling output, coupled with the lack of observed den abandonment in the 3 years that the 2021–ITRs have been in place, supports our finding that lethal take due to sow abandonment of the den and litter during the early denning period is unlikely, due to the low annual probability of den abandonment, in the remaining 2 years of the 2021–ITRs. We do not believe the estimate of lethal take is inaccurate; however, it is potentially conservative.

7. *We do not anticipate that loss of a cub or litter will adversely affect annual recruitment rates at the population level.* If a den is disturbed and the disturbance resulted in cub mortality, such take would not be authorized under the revised 2021–ITRs. Under these ITRs any Level A harassment would be limited to only cubs during the denning period. Impacts to denning females, the demographic group most important to annual recruitment, would be limited to take by Level B harassment. Therefore, the immediate number of potentially available reproductive females that would contribute to recruitment for the SBS stock would remain unaffected if a den disturbance were to result in the mortality of the cubs. If a den disturbance were to result in the mortality of the entire litter, the female would be available to breed during the next mating season and produce another litter during the next denning season.

Cubs inherently cannot contribute to annual rates of recruitment until they have reached sexual maturity because in wildlife biology the concept of recruitment speaks to individuals entering the reproductive population. Further, while adult male bears would contribute to the overall number of individuals in the population, they do not contribute significantly to annual rates of recruitment. While a very small decrease in the number of males in a

breeding population may be a concern if the stock was at risk of inbreeding depression or Allee effects, this is not the case in the SBS stock. Female cubs have the opportunity to reach sexual maturity and contribute to annual recruitment; however, natural rates of survival fluctuate in the SBS stock. As such, death of less than one female cub per year is within the natural variability found within the SBS stock and cannot be reasonably expected to cause an adverse impact on annual rates of recruitment.

Based on the low percentage of SBS stock polar bears potentially being removed from the stock if den disturbance were to result in the mortality of the cubs, and the expectation that the number of potentially available reproductive females that would contribute to recruitment would be unaffected by den disturbance, the Service does not anticipate that the loss of a cub or litter would adversely affect annual recruitment rates at the population level for the SBS stock of polar bears.

We reviewed the effects of Industry activities on polar bears, including impacts from surface interactions, aircraft overflights, marine vessel traffic, and den disturbance. Based on our review of these potential impacts, past monitoring reports, and the biology and natural history of polar bears, we conclude that any incidental take reasonably likely to occur as a result of specified activities would be limited to short-term behavioral disturbances and temporary reductions in fitness that would not affect the rates of recruitment or survival for the SBS stock of polar bears.

We have analyzed the potential impact of the proposed taking in light of other factors affecting SBS polar bears, including subsistence harvest and other human-caused removals as well as climate change. Climate change is a global phenomenon and was considered as the overall driver of effects that could alter polar bear habitat and behavior. The Service is currently involved in research to understand how climate change may affect polar bears. As we gain a better understanding of climate change effects, we will incorporate the information in future authorizations. While climate change and other ongoing factors pose significant challenges to SBS polar bears, we do not expect them to influence the degree of impacts (*i.e.,* short-term behavioral responses and temporary reductions in fitness) resulting from the specified activities or incidental harassment to be authorized under revised incidental take regulations.

Our analysis indicates that the impacts of these specified activities over the remaining 2 years addressed by the 2021–ITRs cannot be reasonably expected to, and are not reasonably likely to, adversely affect the SBS stock of polar bears through effects on annual rates of recruitment or survival. We therefore determine that the total of the taking estimated above and to be authorized via the revised 2021–ITRs will have no more than a negligible impact on the SBS stock of polar bears.

Negligible Impact Determination—5-Year Period

While the Service does not propose to retroactively authorize any incidental take, we also address the remand directive to ''evaluate whether the five-year impacts of Level A take is 'negligible.' '' Given the similar nature, degree, and locations of the specified activities across the 5-year period, we find that the same seven general factors described above to support our ''negligible impact'' determination for the 2-year period also apply to the 5-year period. While the number of estimated takes over the 5-year period is greater than over the 2-year period analyzed above, they would occur over a longer period of time, and the rate of estimated impacts to the SBS stock over the course of the 5-year period is roughly the same as estimated for the 2-year period. Closer analysis of our 5-year estimates further indicates that impacts remain negligible when the 5-year period is considered.

The median number of Level A harassments over the 5-year period is three. As we stated above, there have been no records of den abandonment or sow disturbance response in the early denning period in the 3 years that the 2021–ITRs have been in effect. However, the aggregated simulated probability of sow abandonment of a den and litter during the early denning period across the entire 5-year period of the 2021–ITRs is 0.55, indicating den abandonment may occur. The median number of lethal takes over the entire 5-year period is one. To account for all estimated impacts of the specified activities across the entirety of the 2021–ITRs period, our negligible impact determination considers the potential impacts of 443 Level B harassments, three Level A harassments, and one lethal take occurring over a 5-year period.

If we examine the distribution of survival rates for the entire land-based SBS stock as we did in figure 4, but for the entire 5-year ITR period, we similarly see no more than a negligible change in distribution and the mean survival rate decreases less than one percent, from 84.4 percent to 84.0 percent (figure 4). This negligible change does not support a reasonable expectation of diminished recruitment or survival rates at the stock level.

Figure 4—Litter survival probability distributions and mean survival rates for the land-based SBS polar bear stock during the total 5-year period of the 2021–ITRs. The x axes of these graphs depict the simulated probability that one or more cubs from a litter will be alive in the spring, and the y axes of these graphs depict the relative occurrence of the survival probabilities in our simulations. (Top plot: Survival probabilities simulated with no disturbance from Industry with mean survival rate. Bottom plot: Survival probabilities simulated after considering potential decrease in survival rate attributable to Industry activities.)

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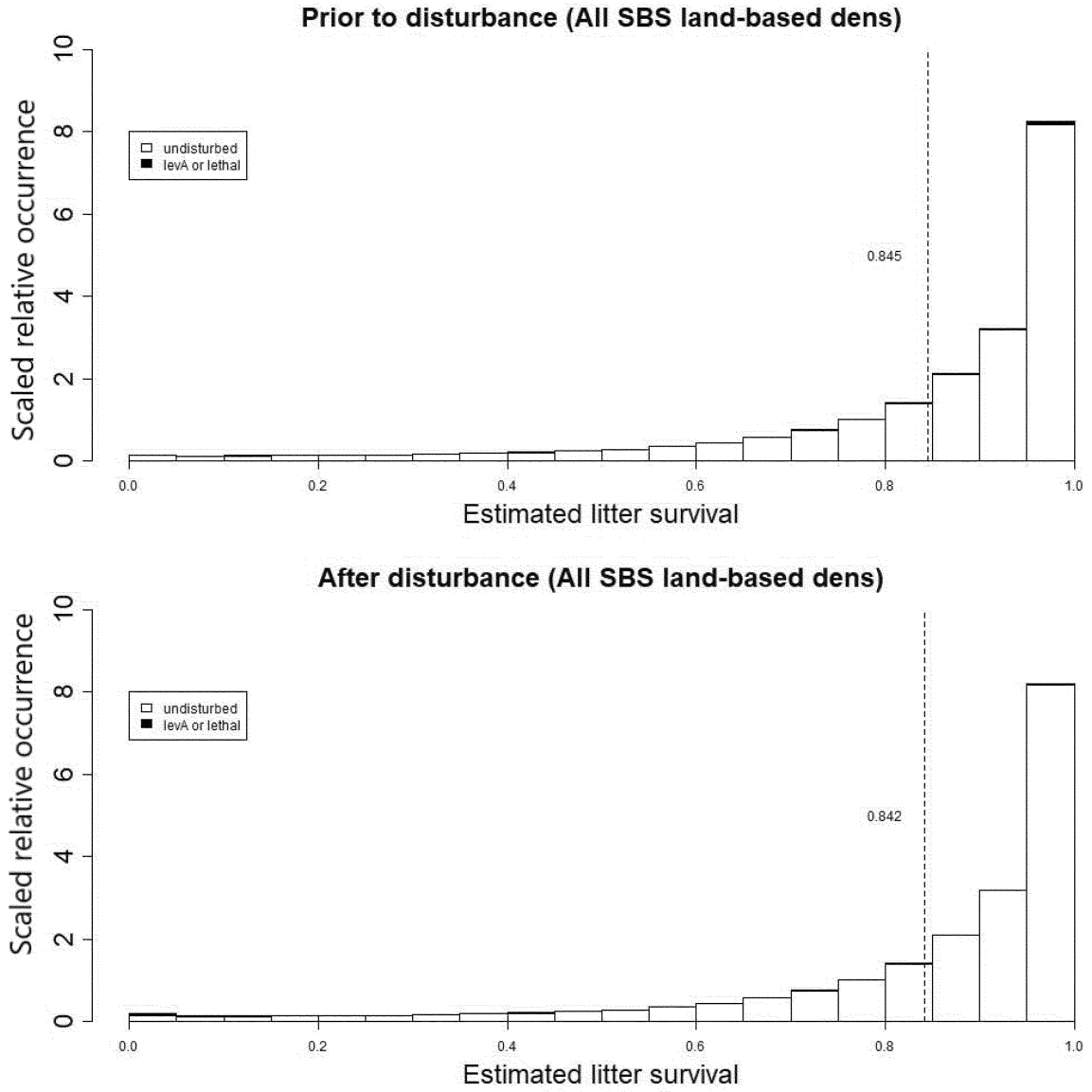

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Our analysis indicates that the impacts of these specified activities over the 5-year period addressed by the 2021–ITRs cannot be reasonably expected to, and are not reasonably likely to, adversely affect the SBS stock of polar bears through effects on annual rates of recruitment or survival. We therefore determine that the total taking over the 5-year period will have no more than a negligible impact on the SBS stock of polar bears.

We conservatively base this determination on all the specified activities originally described in AOGA's request, *i.e.,* without discounting the estimated impacts of specified activities that were planned for the initial 3 years of the 2021–ITRs but did not actually occur.

Impacts on Subsistence Uses

We have not identified any means through which AOGA's specified activity is likely to reduce the availability of SBS polar bears to a level insufficient for harvest to meet subsistence needs. Thus, we determine that the total taking will not have an unmitigable adverse impact on the availability of SBS polar bears or Pacific walruses for taking for subsistence uses.

Least Practicable Adverse Impact

We have not identified any additional (*i.e.,* not already incorporated into the 2021–ITRs) mitigation measures that are effective in reducing the impact of Industry activities but are not so restrictive as to make Industry activities unduly burdensome or impossible to undertake and complete. We received a public comment suggesting several mitigation measures that were commonly used to decrease the level of sound in the water during underwater construction activities (*e.g.,* bubble curtains).

The Service considered but declined to adopt proposed requirements for pile-driving sound mitigation in the original 2021–ITRs rulemaking, and our prior rationale remains applicable now. While bubble curtains can be effective in certain circumstances, they have limited applicability in arctic environments, and cannot be deemed practicable for all specified activities. The 2021–ITRs allow for LOAs to incorporate activity- and location-specific terms and conditions. As such, the Service can evaluate the practicability of these and other measures when contemplating specific LOA applications that contain more detailed project descriptions and site-specific environmental information. Thus, we determine that the mitigation

measures required by the 2021–ITRs will ensure the least practicable adverse impacts on SBS polar bears and Pacific walruses.

Monitoring and Reporting

We have not identified any additional (*i.e.,* not already incorporated into the 2021–ITRs) monitoring or reporting requirements to better assess the effects of industrial activities, ensure that the number of takes and the effects of taking are consistent with that anticipated, or detect any unanticipated effects on SBS polar bears or Pacific walruses.

Administrative Updates

In addition to amendments to the regulations in 50 CFR part 18 to accomplish the regulatory revisions described above, we also make regulatory revisions to update our regulations that carry out the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*). The revisions to §§ 18.4, 18.129, and 18.152 that are set forth in the rule portion of this document are administrative and nonsubstantive. These changes serve only to update and streamline the regulatory text that ensures our regulations in 50 CFR part 18 are in compliance with the PRA.

Summary of and Response to Comments and Recommendations

Response to Comments

The Service published a proposed rule in the **Federal Register** (FR) on November 7, 2024, with a 30-day period seeking comments on both the proposed rule and the draft EA (89 FR 88216). The comment period closed on December 9, 2024. The Service received 85 comments, and an additional mass mailing containing 607 signatures. Comments were received from the Marine Mammal Commission, the State of Alaska, the North Slope Borough, various trade and environmental organizations, and interested members of the public. We reviewed all comments, which are part of the rulemaking docket, for substantive issues, new information, and recommendations regarding the proposed rule and draft EA. The comments are aggregated by subject matter, summarized and addressed below, and changes have been incorporated into the final rule and final EA as appropriate. A summary of the changes to this final rule from the proposed rule is found above in the preamble under Summary of Changes From the Proposed Rule.

Comment: Numerous commenters opposed the promulgation of the ITRs based on a general opposition to Industry activity, while several commenters supported the promulgation of the ITRs based on a general support for Industry activity.

Response: Language within section 101(a)(5)(A) of the MMPA requires the Service to allow the incidental taking of small numbers of marine mammals provided the Service has made certain determinations regarding the specified activity. Once we make the required determinations, we must promulgate ITRs.

Comment: Several commenters provided copies of their original comments on the 2021–ITRs.

Response: All comments submitted in response to the June 1, 2021, proposed rule (86 FR 29364) and the November 7, 2024, proposed rule (89 FR 88216) have been fully considered in this rulemaking action. Our responses to the comments are set forth in the final rule of August 5, 2021 (86 FR 42982), and this document.

Comment: One commenter stated that the Service's ''small numbers'' definition is unjustified and the Service's discussion of this MMPA requirement is insufficient.

Response: As we stated in the proposed rule, ''small numbers'' is defined in § 18.27 of the MMPA. However, we do not rely on that definition as it conflates ''small numbers'' with ''negligible impact.'' Instead, for our small numbers determination, we estimated the likely number of takes of polar bears and determined that that number was small relative to the size of the SBS stock.

Comment: One commenter suggested that the Service relied solely upon the relatively small size of the specified area of the ITRs relative to the range of SBS polar bears when making its small numbers determination.

Response: The Service's small numbers determination acknowledges but is not solely based on the fact that the SBS stock inhabits a wide range and the specified activities cover only a small portion of the population's range. Our analytical framework takes into account the non-uniform distribution of non-denning and denning polar bears. The Service's new analysis provided an estimate of the number of dens that are estimated to be exposed to human activity, as well as the number of dens that are estimated to be disturbed by human activity. We have worked closely with the applicants to determine a spatially explicit project footprint, and as we stated in the proposed rule, it is anticipated that roughly five percent of yearly SBS dens may be within the impact area, which is indeed a small percentage.

Comment: One commenter stated that the Service did not adequately show that there were no additional practicable mitigation measures that could reduce adverse impacts to SBS polar bears and Pacific walruses.

Response: The Service presented a thorough ''least practicable adverse impact'' (LPAI) determination and integrated a comprehensive suite of required mitigation measures into the original 2021–ITRs. These measures were designed to ensure the least practicable adverse impact to polar bears and Pacific walruses during the specified activities and include monitoring measures, offset requirements in the event that dens are identified, and temporal restrictions on terrestrial seismic surveys. As part of this subsequent rulemaking, the Service attempted to identify additional measures that could be imposed to ensure LPAI going forward. The Service then reviewed the proposed measures suggested by public commenters. This process did not result in the Service identifying any additional, effective, practicable measures above what is already required.

Comment: One commenter stated that the Service failed to incorporate mitigation measures in the proposed rule to reduce disturbance of polar bears arising from sound-producing offshore activities such as pile driving.

Response: We agree that these measures can be effective; however, they are typically location and activity specific, and not applicable for all construction activities. Bubble curtains specifically have limited applicability in arctic environments. The original 2021–ITRs include a provision to add additional mitigation measures as needed in individual LOAs. As such, the Service can evaluate the need for these mitigation measures when contemplating LOA applications that contain more detailed project descriptions and require them as needed. We also note that in-water activities would not coincide in space and time with denning and thus further mitigation associated with these activities would not be effective in reducing the potential for Level A harassment or lethal take.

Comment: One commenter stated that the mitigation measures presented in the proposed rule were insufficient and vague and rely too heavily on the applicant's compliance.

Response: We disagree. The mitigation measures established in the 2021–ITRs are clear and actionable. They have been implemented successfully by LOA holders since the promulgation of the 2021–ITRs.

Comment: One commenter stated they did not feel it was appropriate to quantitatively account for identification of dens with the naked eye.

Response: As we stated in the cited section of the proposed rule, the potential protective benefit of certain mitigation measures, such as den identification by trained personnel, are not reflected in our modelling outputs because their mitigative benefit is not quantifiable.

Comment: One commenter expressed a desire for a more comprehensive monitoring program, including the use of audio recordings. They also recommended annual or semiannual reassessment, strict enforcement, and active collaboration with Alaska Native communities to ensure compliance with environmental protection standards.

Response: Letters of authorization (LOAs) issued under this ITR are limited to 1-year periods and include robust monitoring and reporting requirements. The Service systematically reviews all reports and associated data. The Service also has authority to impose additional requirements in LOAs, and to suspend or revoke existing LOAs if warranted. The Service does not find that any additional requirements are needed at this time. The Service also investigates suspected instances of unauthorized take; however, this rulemaking is not an appropriate vehicle to predetermine enforcement approaches or outcomes.

Regarding the use of ''audio recordings'' for monitoring, we are unaware of any audio monitoring equipment that would be practicable in the terrestrial arctic environment where the specified activities occur, especially since industrial and/or ambient noise would limit the efficacy of this monitoring technique.

Comment: One commenter recommended that instead of expanding regulations to allow for Level A harassment, the Service should prioritize the conservation of polar bears, implement stricter mitigation measures, and enhance monitoring.

Response: The Service presented a thorough description of the monitoring and mitigation measures required in the 2021–ITRs. These measures were designed to ensure the least practicable adverse impact to polar bears during the specified activities, and include monitoring measures, offset requirements in the event that dens are identified, and temporal restrictions on terrestrial seismic surveys. The Service did not identify additional practicable measures to mitigate potential impacts to polar bears that were not already incorporated in the original 2021–ITRs. The Service does not have approval authority over these activities. The issuance of incidental take authorizations such as those presented in this rule is often the sole mechanism through which the Service (or the Federal Government more generally) can require operators to implement mitigation measures, monitor impacts, and report data to the Service. Given the value of ITR-required mitigation measures in reducing impacts to polar bears, and that these ITRs are only finalized because the Service first made the required findings required for their issuance as noted, and the value of data derived from monitoring and reporting requirements in terms of increasing scientific understanding of the SBS stock, this rule furthers, rather than diminishes, the Service's conservation objectives.

Comment: Some commenters stated that the Service did not adequately consider certain mitigation measures (*e.g.,* personnel training and avoidance of observed animals) that operators use to reduce or prevent incidental take of polar bears and that this lack results in the Service overestimating incidental take.

Response: The Service considered all mitigation measures incorporated into AOGA's request when analyzing the effects of the specified activities. The Service's analysis comprises qualitative and quantitative elements. As we explained in the original rulemaking for the 2021–ITRs, it is exceptionally difficult to quantify the effectiveness or accuracy rate of some of the mitigation measures incorporated into AOGA's request. Thus, the modeling component of the Service's larger analysis cannot reliably account for any reduction in potential impacts attributable to such mitigation measures. This does not mean the Service failed to consider such mitigation measures qualitatively.

Comment: One commenter stated that the denning analysis ignores factors that result in less frequent and less significant polar bear interactions, such as personnel training, security patrols, attractants management, and adaptive measures if and when a den is discovered.

Response: As we have stated in previous authorizations, it is exceptionally difficult to quantify the effectiveness or accuracy rate of the mitigation measures presented in this comment. In order to incorporate potential identification of polar bear dens into our take estimates, we would need empirical data that includes search effort and accuracy, with a sample size large enough to capture natural variation in the ability of Industry workers to locate dens. Unopened polar bear dens are extremely difficult to differentiate from neighboring habitat and often have no external identifying features until the polar bear has begun to exit her den, at which point the vast majority of potential disturbance has occurred. It is also incorrect that Industry does not get any ''credit'' for their ''adaptive measures employed if and when dens are discovered.'' In fact, this credit is inherently built into the model because once a den is discovered, either through forward-looking infrared (FLIR) technology or through disturbance, we assume Industry will comply with applicable mitigation measures and prevent all future disturbance to the den and thus do not quantify or estimate subsequent takes.

Comment: One commenter indicated that the Service should not authorize purposeful harm of polar bears.

Response: The take regulations provide for authorization of incidental take of polar bears, not intentional take as the commenter is suggesting.

Comment: Several commenters stated that the Service's negligible impact finding must be made using take estimates for the entirety of the 2021–ITRs (5 years) instead of the Service's focus on the remaining 2 years in the regulations. Commenters have stated that the Service has segmented the negligible impact analysis and therefore violated the MMPA and APA.

Response: The Service's negligible impact determination accounts for the total take, both over the 2-year period to be covered by the revised rule, and over the 5-year period as directed by the remand. Revisions to the negligible impact determination have been made to clarify the Service's rationale and thus respond to various issues raised in public comments.

We disagree that our statement regarding the potential population-level effects of the loss of a cub or litter was arbitrary and capricious. We have clearly outlined the reasoning for this statement, which is based on both quantitative and qualitative analysis and an in-depth discussion on wildlife management theory and polar bear population biology.

Comment: Several commenters stated the Service's negligible impact finding must be made using take estimates for the entirety of the 2021–ITRs (5 years). Citing the Service's estimates of five Level A harassments over the 5-year 2021–2026 period, commenters characterized the Service's proposal to authorize only two Level A harassments as confusing.

Response: Commenters are correct that the Service did preliminarily

estimate five Level A harassment events over the course of the 5-year (2021–2026) ITR period in the proposed rule. Our updated estimate is three Level A harassment events over the course of the 5-year (2021–2026) ITR period. The Service considers the impact of these takes, along with the impacts of estimated lethal take over that timeframe, when providing its negligible impact determination. Additional language has been added to the final rule to further explain the Service's rationale on this point. Meanwhile, the Service proposed to authorize only two Level A harassments because the Service does not retroactively authorize take and the Service estimates that only two Level A harassment will occur during the 2-year time period to which this final rule applies. For the sake of thoroughness, and to ensure compliance with MMPA standards as well as remand directions, the Service considers the negligible impact standard with respect to two distinct timeframes, *i.e.,* the timeframe to which this rule revision applies as well as the larger 5-year period.

Comment: A commenter stated that the Service appears to overlook that recruitment is a metric that focuses on cub survival; therefore, it is unreasonable to assume that the death of up to three cubs would not affect recruitment in the year those deaths occur.

Response: Recruitment refers to the number of reproductive age individuals added to a population. For those cubs to be recruited to the population, they would need to survive an additional 3–4 years. The ramifications of losing cubs associated with one den in any given year are addressed in our negligible impact determination. We further note that in addition to recruitment rates, the Service also considered survival rates when it conducted its negligible impact analysis.

Comment: One commenter that characterized the likelihood of lethal take as high asserted that the MMPA's moratorium on taking bars the Service from authorizing take where unauthorized take is also caused by the activities.

Response: The Service does not authorize any lethal take of polar bears and does not anticipate any lethal take occurring while this revised rule is in effect.

Comment: One commenter stated that the Service should reconsider whether to authorize a small number of lethal takes (*e.g.,* one) in the final rule. Additionally, the commenter believes the Service should indicate what response it would take were a bear to be killed incidental to the covered activities. Specifically, whether the Service would suspend activities until additional authorization is obtained.

Response: The Service does not authorize incidental take that it does not anticipate, and the Service does not anticipate any lethal take over the effective period of the revised rule.

As noted in the pre-ambulatory text when we finalized regulations for these ITRs (86 FR 42982 at 43042, August 5, 2021), we have incorporated rule reporting requirements for all polar bear and Pacific walrus interactions. Ceasing all activities in an active oil field may not be practicable or safe in certain circumstances, and such a requirement will not be preemptively mandated.

Comment: Several commenters provided general comments stating that authorizing take of polar bears via Level A harassment contravenes the 1973 Agreement on the Conservation of Polar Bears and is at odds with the MMPA and ESA. Some of these comments referred to the status of the SBS polar bear population, which commenters said was declining, the overall impacts of the oil and gas industry in the region, and the effects of climate change in the Arctic.

Response: We disagree. The Service is not authorizing anything that qualifies as a ''taking'' as that term is defined by the 1973 Agreement on the Conservation of Polar Bears. The Service also disagrees with the notion that lifting the MMPA's take prohibition with respect to a small number of incidental takes that will result in a negligible impact, while also imposing a host of mitigation, monitoring, and reporting requirements, is at odds with the conservation goals of the MMPA and ESA.

Comment: One commenter suggests that the Service's take estimates consider only effects to adult denning females, and not her cubs.

Response: The commenter is incorrect that we only consider the taking of adult female bears. Our take estimates account for effects to denning adult females as well as her cubs.

Comment: One commenter stated the Service's simulation of dens across the landscape is not an accurate representation because the simulation relies on only collared bears and does not accurately depict the number of dens on Howe Island or in the NE Colville River Delta.

Response: While it is true that the Service uses data only from collared bears to establish the underlying denning utilization distribution, dens with non-collared bears cannot be easily incorporated into the utilization distribution. We explicitly state that we rely only on collared bears because they represent a random sample of polar bear den distribution. Relying on Industry reports or other sources would have an explicit search bias in that those data are more likely to be from areas near human activity than away from it. Without information on how non-collared dens were discovered and the area that was searched, including them as being a representative sample of denning would be extremely difficult. Because collared bears can move wherever they want on the landscape and den where they see fit, they are a representative sample of where bears choose to den based on what is available to them.

We also add that while it is true that dens on Howe Island are not in the sample of dens used for the utilization distribution, or that more dens seem to occur in the Colville delta than are expected, this is to be expected when working with a random sample of dens. It is the same concept of flipping a coin. While it is reasonable to expect tails 50 percent of the time, you could end up getting tails 70 percent of the time and that would still be a representative sample. But with increased sampling (*i.e.,* sample sizes), we expect the realized sample of dens will lead to more accurate utilization distributions. Lastly, the commenter suggests that the NE Colville River Delta is indicated as having a high density of dens even though there is minimal denning habitat there. Again, we specifically discuss how we use the utilization distribution to simulate dens across the landscape, and it is only one component of that process. In short, we use the utilization distribution to inform the general density across the landscape but then restrict denning to occur in identified denning habitat. So, if there really is minimal denning habitat in the Colville River Delta, it is reflected by this second step in our analysis.

Comment: One commenter stated that the Service's denning model underestimates the potential for zero cub dens, including those that are shelter dens. The commenter further states that the Service's determination of cub mortality in its analysis is reliant upon a single case study, and the Service's classification of that case study contradicts best available data.

Response: This comment indicates a misunderstanding in our analytical approach. We have taken into account the possibility of natural litter sizes of 0 and shelter dens in our analysis based on the current best available data from published peer-reviewed studies. First, litter size is not assumed. We have

obtained litter size data for polar bears denning on land in the SBS subpopulation using a variety of published sources. We then draw, at random, a litter size to associate with a simulated den based on the distribution of the empirical litter size data. We then go further and estimate the probability of a female emerging with a litter size of 0 for natural reasons (*e.g.,* failed pregnancy) and have a litter size of 0 as a potential outcome. Secondly, the den simulation does account for shelter denning. The data used to inform the den phenology parameters for den simulation removed bears that were expected to have shelter dens based on the short duration of time in the den (Rode et al. 2018, Andersen et al. 2024). Additionally, the number of dens simulated across the landscape is based on the estimated number of maternal dens, which was derived from demographic data and data from collared bears (Patil et al. 2022) and are thus not confounded with shelter dens. Finally, as is indicated in our updated supplemental material, one case study informs the probability of den abandonment and subsequent cub mortality. The commenter is correct that there are few case studies that show potential evidence of cub mortality, but as we stated in the proposed rule, it is a rare occurrence, which is reflected in our disturbance probabilities. We have already provided justification for our decision related to this den in the case studies table.

Comment: One commenter suggested that the Service inappropriately cited adult females' capacity to produce cubs in the future as the justification for its negligible impact determination.

Response: The Service's negligible impact determination acknowledges, but is not solely based on, the fact that a sow that loses her cubs would be available to breed the following year. We do not anticipate lethal take via cub abandonment and did not propose to authorize lethal take in the ITRs. However, in discussing the potential impacts if a den abandonment did occur, we look to the fundamental wildlife management theory of compensatory mortality, wherein human-caused removals are compensated for by a decrease in other density-dependent sources of mortality. For example, if 50 polar bears died annually in the SBS stock due to natural conditions such as lack of prey availability, and in one year an additional 2 polar bears died as a result of human-caused removal, compensatory mortality theory indicates that the number of deaths that year would not be 52 but would remain at 50. This is because the loss of the 2 polar bears via human-caused removal would alleviate constraints on the population imposed by prey availability and other factors, effectively making ''space'' for two additional bears to persist and thus compensate for the 2 human-caused removals. The latest abundance estimate indicates that the SBS population has likely stabilized since declines that were observed in the early 2000s (Bromaghin et al. 2021). The population is, therefore, likely experiencing the sort of density-dependent regulation to which compensatory mortality theory applies.

The commenter notes that ''the fact that cubs are not reproductively active is not a justification for considering their increased take to be negligible''; however, cubs need to survive multiple years until they are recruited into the population as reproductive individuals. Regehr et al. (2017) showed that a polar bear population declining due to sea ice loss can still have a level of harvest that would not hinder the persistence of the population, supporting the application of the compensatory mortality theory to the SBS stock. Again, the ITRs do not authorize lethal take; however, in the instance of an authorized Level A harassment leading to a decrease in an individual's survival and then the animal later died before reaching sexual maturity, it is important to note that there is some probability the individual would not have reached sexual maturity regardless of the harassment.

Comment: One commenter stated that Andersen et al. (2024), a publication cited by the Service, suggests that a ''linkage'' (*i.e.,* biological mechanism) between shortened post-emergence periods and cub survival has been identified, with minimal discussion of a plausible biological mechanism other than cub acclimation. The commenter also notes that the denning phenology of Chukchi Sea polar bears was consistent with females in better body-condition (Rode et al. 2018). The commenter believes ''integrating this poorly understood relationship into a predictive model introduces a mechanism that has not been tested and is not supported by research.''

Response: We agree that Andersen et al. (2024) supports a strong relationship between the post-emergence period and cub survival. We disagree, however, with the assertion that this is simply a hypothesis without any supporting evidence. In fact, the study does provide data, which is the basis for that relationship to have been established in the study. We do not disagree that maternal condition could play a role in how easy it is to disturb bears or have an influence on departure dates. However, importantly, all females with newborn cubs should be highly motivated to get back onto the sea ice to begin hunting again after multiple months of fasting and the large energetic expenditure of nursing. Thus, the fact that bears will spend up to 3 weeks at the den site after emergence clearly indicates that time at the den site confers some advantage to cubs, likely in the form of cub development to get ready to travel the extended distance out to the sea ice.

While it is true that some females may leave earlier than others because of poor body condition, this again would lead to less time for cubs to get acclimated/ready for the outside world. A female that departs early in low body condition would soon access prey, which would compensate for her lower body condition. This means that it is less likely that a sow's persistent low body condition contributed to any decrease in survival probability for her cubs than the fact that she potentially forced the cubs to leave the den site before they were ready. Ultimately, if through disturbance bears depart the den site early, there is the potential (based on data) for cubs to suffer lowered survival. This outcome indicates Level A harassment. Lastly, while we agree with the commenter that the data from Chukchi Sea bears may partially reflect differences in body condition, we also want to highlight another key difference: Bears in the Chukchi Sea tend to den on Wrangel Island where there is very minimal human presence and thus potential for disturbance. This is not the case for bears in the Southern Beaufort Sea that have a portion of their land-based denning habitat overlap with oil and gas activity and infrastructure.

Comment: One commenter stated that the Service incorrectly interpreted studies on polar bear den phenology and biology, the effects of disturbance upon polar bears in dens, the behavioral responses of denning polar bears to disturbance (*e.g.,* displacement from denning habitat, early den departure), polar bears' resilience to or tolerance of disturbance, and the effects of disturbance and early departure from dens upon reproductive success and cub survival.

Response: Except as noted in our separate explanations of additional updates to our denning model assumptions, we disagree with the commenter. At least one member of our analytical team is a coauthor, or first author, on each of the referenced studies, so they are very well qualified to draw conclusions from the study. While the commenter is accurate that

the relationship between den emergence date and short-term litter survival was not a primary objective of the Rode et al. (2018) study, the study still did establish this relationship, which was also verified by the Andersen et al. (2024) study. The study did not need to formally establish the relationship between an early emergence caused by disturbance to be used to inform the potential outcome of a disturbance event. As the commenter stated, they agree that premature den emergence can have an effect on cub survival. Rode et al. (2018) and Andersen et al. (2024) both provide a relationship between emergence/departure dates and ultimate cub litter survival.

While we agree that a controlled scientific study would be an ideal way to verify the results of the above cited studies, such a study could never be conducted because it would have the potential to lead to a significant amount of lethal take and Level A harassment of cubs. It would require us to purposefully disturb denning bears at different times during the spring and then monitor the cubs into the spring to observe their ultimate fate. In addition to being a study for which we would never be able to get approval because of the level of take expected, it would also require adult female bears to be fitted with GPS collars and then re-observed later in the spring. Given stakeholders' concerns with collaring bears and the number of bears that would be required to be collared to gain a sufficient sample size of disturbed and control dens, it is likely never to be feasible or would take >10 years of constant research effort. We used the best available science from the peer-reviewed literature to inform our analytical approach based on studies that have relevant information to inform the impacts of early emergence on cub survival.

Comment: One commenter stated that while Linnell et al. (2000), a publication cited by the Service, identifies a 1-km buffer, it is a review of other relevant literature that show variable responses of polar bears to human activity.

Response: As the commenter notes, the Linnell et al. (2000) paper is a review of the literature from a quarter of a century ago. We have cited it to reflect that others have talked about the potential for disturbance to denning bears and why it is important to consider factors that could disturb denning bears and how to mitigate those disturbances. As we have shown through our thorough description of analytical methods, nothing from Linnell et al. (2000) was used in our model development. We detail our approach and cite the relevant studies/literature from where we draw our data parameters.

Comment: Several commenters cited work by Larson et al. (2020), who concluded that their data showed denning polar bears on Alaska's North Slope are overtly unreactive. The commenter stated that this publication supported the finding that North Slope oil and gas operations have no more than a negligible impact on polar bears and the SBS population.

Response: Several aspects of the Larson study render its results not suitable for use in our analysis. We detail these below:

(1) There is a lack of clarity on data source, types, and limitations for dens, which are currently described as found through a combination of VHF (very high frequency) technology, GPS (global positioning system) technology, and dens located via aerial- and ground-based FLIR, direct observation (in person and video), and dogs. Authors acknowledge how responses can change depending on the denning stage but do not provide sufficient data for readers to determine when human activities occurred.

(2) The data were collected opportunistically, and no attempt was made to account for sampling effort during different periods of the denning season to account for unequal sampling effort, or differences in human activity between periods. For example, aerial surveys were most likely to occur early during the denning period, likely when researchers were actively searching for dens. Later during denning, however, aerial surveys are likely less frequent and therefore responses from this form of disturbance are lacking when the consequences for cubs could be greater. Further, observations at den sites from cameras or camps mostly occur late in the denning period (*i.e.,* just prior to emergence); therefore, responses to disturbance earlier in the denning period are lacking or at least underrepresented in the data.

(3) The locations of dens in this analysis were likely known prior to disturbance-causing activities were observed. Given that, most dens should have had 1-mile no-activity buffers around them, which likely reduced the frequency and intensity of activity, thus leading to results that are biased low for documenting disturbance to bears.

(4) The analysis is restricted to only overt behavioral responses, but responses can be unobservable and potentially affect cub survival. Thus, 'no effect' results are likely overestimated, and actual disturbances related to activity are likely underestimated (*i.e.,* biased low). For example, Rode et al. (2018) showed that earlier emergence dates can lead to lower litter survival after a short period post emergence. These types of responses are ignored in the referenced study.

(5) There is a disconnect between physiological stress responses without associated behavioral response and observed flight response (Ditmer et al. 2015), which limits confidence in ''no effect'' statements. This situation was recognized as an issue in Methods; however, this disconnect was not reflected in inferential statements or conclusions.

(6) There is no explicit evaluation of a 1.6-km buffer as a mitigation measure to minimize den abandonment. The study does not provide the actual distances from disturbance to dens for those dens that were greater than 300 m away. Further, they do not provide sample sizes for these cases. Therefore, statements pertaining to this buffer's effectiveness (or ineffectiveness) are uninformed by data or their approach.

(7) The first sentence of the discussion states that bears are largely overtly unreactive to human activity, but the results of the study show significant proportions of bears responding in manners indicative of harassment under the MMPA. For example, a high proportion (37 percent, p. 199) of dens displayed disturbance at levels considered by the authors to be ''harassment'' under the MMPA. Even low-intensity stimuli for large machinery resulted in 31 percent of dens displaying behavior consistent with ''harassment.''

(8) The authors admit that their small sample size and lack of replication of stressor distances and frequencies mean their data provide limited insight regarding polar bear response to human activity at den sites (p. 203). As an example, they had insufficient data to look at the effects of high-intensity activity, other than from aircraft, so it is not possible to know what impact, for example, high-intensity activity from large or small machinery would have on denning bears. But the authors did not find ''significant probabilities for harassment disturbance for large and small machinery at low intensities'' (p. 202).

(9) The authors reported the times between den emergence and den site departure were all on the low end of the 'normal' established by Smith et al. studies, but all those dens had exposure to human activity (*e.g.,* camps or camera setup activities). It is therefore incorrect to say that dens in Smith et al. studies were from undisturbed sites, and it is very possible those dens were departed

sooner than would have occurred without any human activity.

Comment: Some commenters characterize land-denning bears as having particular importance and suggested that the Service did not adequately incorporate risks of mortality to cubs and population effects of cub mortality or low recruitment into our analyses.

Response: While it is true that Rode et al. (2018) have found support for a higher rate of denning success in land-based dens, the available science does not provide a basis for discounting the value of cubs born in sea ice dens. Rode et al. (2018) indicated the likely reason for increased litter survival of land-based dens was later average emergence dates. We incorporated this effect into our model as empirical data from land-based dens were used to create denning parameters in our analysis.

Comment: One commenter suggested that we should provide a table presenting the median and interval estimates for the: (1) number of bears predicted to be in the AOGA petition area, (2) number of bears predicted to be exposed to Industry operations, (3) predicted responses of exposed bears by denning period, and (4) amount of incidental take by denning period and level (Level B, Level A, mortality).

Response: We appreciate this suggestion. The model outputs are highly technical, and it is important to provide this detailed scientific information in a manner that is generally understandable. We have provided the technical aspects of our analysis in supplemental information for the general public to access as they choose, and this table has been revised in response to comments. We also present our results throughout the negligible impact section in paragraph form so that we may provide context throughout.

Comment: One commenter stated that because the development and implementation of recapture methods for abundance modeling is still in progress, any additional take authorization is ''unwarranted and alarming.''

Response: The Service based its take estimates on the best available scientific information and determined, among other things, that the total of such taking will have a negligible impact on the SBS stock. While we are continually evaluating (and in many instances, creating) new scientific information, we cannot lawfully refrain from implementing MMPA provisions, including those concerning the authorization of incidental take, while awaiting additional data.

Comment: One commenter states that a 0.45 probability of lethal take is not ''unlikely'' because a reasonable person would not dismiss a 0.45 probability of death as being ''unlikely'' when deciding whether to undertake an activity. The commenter further states that the Service should provide a detailed explanation for its finding that there is a 45 percent chance of lethal take in 2 years, when its prior analysis demonstrated a 45 percent probability of lethal take in each individual year.

Response: The Service disagrees with the commenter's metric for estimating take. Also, the analysis conducted for the initial 2021–ITRs did not estimate a 0.45 probability of lethal take for each individual year; the commenter appears to misconstrue the scope of certain outputs reported during that process. We also reiterate that the present analysis utilizes new scientific information and improved protocols. Further, due to our re-evaluation of the cases included in our denning analysis, we have repeated our denning analysis with updated disturbance probabilities. We now estimate aggregated probability of lethal take over the final two years of the ITR is 0.34.

Comment: One commenter indicated that the Service used an incorrect population estimate because there are only 573 polar bears in the SBS stock.

Response: The population estimate cited by the commenter is specific to the Alaska portion of the SBS stock and thus fails to encompass the entirety of the stock.

Comment: A commenter criticized the population estimate utilized by the Service, asserting that the Service's estimate of 907 bears relies on a report published in 2020, but the data used in that report was actually collected from 2001 to 2016.

Response: We agree that having a more recent population estimate would be ideal; unfortunately these data are difficult to obtain and are typically updated on a 10-year interval. The Service is currently working with the USGS and partners to develop an updated population estimate for the SBS, but it will not be ready for another 1–2 years. Currently, we use the best available science to inform the size of the population, and Bromaghin et al. (2021) showed evidence that the population decline that was noted in the mid-2000s appears to have stabilized.

Comment: One commenter criticized a Service statement about conducting further research and incorporating additional climate change information, on the basis that information concerning sea ice loss, cub survival, and population decline exists now.

Response: The Service agrees that much information concerning these issues exists now, and the Service based its analysis on the best available scientific information. The intent of the referenced statement was to make clear that the Service will continue its research efforts and incorporate new pertinent information in the future as it continues its efforts to conserve polar bears and other species.

Comment: Several commenters objected to the Service authorizing incidental take of polar bears and any new activities in light of studies that provide long-term sea ice modeling and identify potential effects of sea ice loss on polar bears. One commenter referenced the possibility of an ice-free day in the Arctic Ocean as early as 2027 (citing Heuzé, Céline., Jahn, Alexandra. The first ice-free day in the Arctic Ocean could occur before 2030. Nature Communications, 2024; 15 (1) (December 3, 2024), DOI: 10.1038/s41467–024–54508–3).

Response: The Service does not authorize oil and gas activities in the Southern Beaufort Sea area. This rule only provides a means of authorizing the incidental take of polar bears and Pacific walruses anticipated to result from these activities. We acknowledge the effects of climate change and sea ice loss are the largest threat to SBS polar bears. In the 2021–ITRs, we present a comprehensive discussion of the potential impacts of climate change on the SBS stock. The impact analysis provided here appropriately considers the various factors (such as marginal reductions in seasonal sea ice and other climate-change-related effects) that could influence the nature or degree of impacts caused by the applicant's specified activities. However, changes in environmental conditions that are predicted to occur long after the effective period of this rule have little to no capacity to influence the impacts of the applicant's specified activities. We further note that the literature cited by the commenter states, they were ''not suggesting that ice-free conditions will be reached this quickly'' and instead strive to ''raise awareness for the potential of a rapid loss of sea ice in the near-future.''

Comment: Two commenters stated that the Service did not incorporate certain recent information on polar bears and their habitat within the range of SBS polar bears. They recommended two publications: Patil et al. 2022, and Florko et al. 2020.

Response: We appreciate the recommendation. The data from Patil et al. (2022) was indeed used to simulate dens in our denning analysis. The

Florko et al. (2020) publication is not applicable to our analyses, as there is not sufficient spatial overlap for its data to inform our utilization distribution.

Comment: Some commenters suggested that the Service must conduct further analysis on the cumulative effects within proximity to the Southern Beaufort Sea area before pursuing any new authorizations that risk negatively impacting SBS polar bears and other marine mammals.

Response: The Service adequately considered cumulative effects while developing this rule. The potential impacts of the applicant's specified activities were considered in light of other ongoing factors and activities affecting the stocks of marine mammals at issue. Cumulative effects are also considered in the environmental assessment examining the effects of the Service's proposed action under the National Environmental Policy Act.

Comment: One comment was specifically directed at the cumulative impacts analysis found in the draft supplemental EA. The comment focuses on the description of past and reasonably foreseeable future actions, including the take that has occurred under the first 3 years of the 2021–ITRs, a proposed incidental harassment authorization for the Bureau of Land Management, and two proposed anticipated take authorizations also located in the North Slope area. The commenter asserts that ''the Service must calculate the overall probability of lethal take posed by issuing the Revised ITR in combination with all existing and proposed take authorizations, and analyze the cumulative impacts of all those activities on the population, along with the other numerous stressors it is already facing, including malnourishment, reduced reproductive success, and reduced cub survival.''

Response: The final supplemental environmental assessment prepared to support this rulemaking contains expanded discussion of cumulative impacts wherein the Service further analyzes and contextualizes the incremental effects of the revised rule when added to the effects of other past, present, and reasonably foreseeable actions (regardless of what agency or person undertakes such other actions). The Service disagrees that it is obligated under NEPA to estimate and report the probability of lethal take specific to particular subsets of these actions and finds that doing so here would not enhance the quality of the NEPA analysis.

Incidental take authorizations do not cause or authorize the specified activities themselves; rather, they provide a mechanism for the Service to impose mitigation, monitoring, and reporting requirements in exchange for removing the MMPA's take prohibition on the condition that these requirements are followed. The Service issues incidental take authorizations only upon request and upon finding that MMPA standards are met. Generally speaking, there is no requirement to request and obtain an incidental take authorization prior to conducting activities that may take marine mammals. The Service does not receive incidental take requests for all activities that may incidentally take SBS polar bears and lacks the data necessary to provide complete quantitative analysis of the risks to SBS polar bears posed by all relevant activities. Also, any estimates associated with pending incidental take requests are subject to change as the Service analyzes the activities specified therein and reevaluates that analysis after soliciting and considering public comments.

In the current context, using non-biological parameters to effectively segment the Service's NEPA analysis is more likely to precipitate misunderstanding of the role of incidental take authorizations in protecting SBS polar bears than it is to inform the Service's cumulative impacts analysis, and using preliminary estimates associated with pending requests could undermine the accuracy of any estimate of cumulative risks. The Service also reiterates that this revised rule does not authorize any lethal take.

Comment: One commenter characterized the Service's reliance on data provided by the applicant as problematic and faulted the proposed rule for inadequate discussion of enforcement methods.

Response: Per the Service's implementing regulations, applicants' requests for ITRs must include, among other things, estimates of the species and numbers of marine mammals likely to be taken. The Service considered this information, along with other sources of best available scientific information, when it performed its own analysis.

Comment: One commenter stated that, due to climate change, the SBS stock could see a great decrease in the next decade. They further state all available science indicates that any additional take of SBS bears obstructs recovery by widening the gap between the actual population and the population needed to attain the optimum sustainable population.

Response: Currently, we use the best available science to inform the size of the population and the fact that Bromaghin et al. (2021) showed evidence that the population decline that was noted in the mid-2000s has appeared to stabilize. We also disagree that all available science indicates that any additional take of SBS bears obstructs recovery. Regehr et al. (2017) showed that a polar bear population declining due to sea ice loss can still have a level of harvest that would not hinder the persistence of the population. While the reference to ''harvest'' is not about hunting, the study does indicate that small levels of removal can occur and would be compensated for by a decrease in other density-dependent sources of mortality without leading to declines in long-term persistence (*i.e.,* compensatory mortality).

Comment: Several commenters expressed concern that the rate of den detection using FLIR indicates that it is not an effective means of locating dens in order to limit disturbance. A comment states that implementation of mitigation and monitoring efforts will not prevent take since den locations will likely change in response to changing habitat conditions. Another comment claims that the modeling used in the ITR rulemaking underestimates the number of undetected dens.

Response: We agree that finding dens with FLIR alone is insufficient for preventing all incidental takes; hence, our anticipation and analysis of a limited amount of take of undetected denning bears. However, FLIR is an important tool for identifying dens before they can be disturbed during more sensitive periods of cub development. We disagree that our approach to account for FLIR efficacy is unrealistic and arbitrary. Multiple peer-reviewed studies have addressed FLIR efficacy and have all come up with different results. We accounted for this variability when calculating the FLIR efficacy rates used in our modeling. Each of these studies has strengths and weaknesses, and because we cannot determine which particular study most closely reflects reality, we rely on the set of these studies to inform FLIR efficacy. Additionally, multiple factors can affect den detection, so it is both realistic and rational to allow for variation in FLIR efficacy rates between simulated FLIR surveys drawn from three studies published in peer-reviewed journals.

Comment: One commenter stated that the Service should have relied only on the FLIR den detection estimate generated in Woodruff et al. 2022.

Response: Multiple authors on the Woodruff et al. (2022) paper are part of the team that developed the analytical techniques for estimating impacts of

development on denning bears. While the commenter correctly cites the results from the Woodruff study, two other published peer-reviewed studies show different results. There were numerous drawbacks from using artificial dens to estimate FLIR efficacy versus real dens used in the Smith et al. and Amstrup et al. studies. The Smith and Amstrup studies also have drawbacks, and it is not clear which study most closely reflects reality. But given the multiple peer-reviewed studies addressing FLIR efficacy and uncertainty in which study most closely reflects reality, it is best to incorporate that uncertainty into our FLIR efficacy rates than to arbitrarily decide that one study's estimate is superior to another.

Comment: One commenter criticized the Service's finding as to whether the rule revision would impact Tribes and urged the Service to consider government-to-government consultation with the Alaska Native Tribes before finalizing the rule.

Response: The Service has determined that revising the 2021–ITRs would not cause any potential effects that trigger the obligation to engage in government-to-government consultation or government-to-ANCSA (Alaska Native Claims Settlement Act) corporation consultation. The effects of the Service's action are limited: This rule only authorizes up to two Level A harassments of polar bears in addition to the Level B harassment of polar bears and Pacific walruses already authorized. Any resulting effects to individual polar bears would be inherently limited and short term, and, as is explained in more detail elsewhere, would not cause more than a negligible impact to the SBS stock of polar bears and would not cause any unmitigable adverse impacts on the availability of SBS polar bears for subsistence uses. As such, the Service has determined that issuing this final rule will not have any substantial direct effects on any federally recognized Tribes or ANCSA corporations. During the process of proposing and promulgating the 2021–ITRs, the Service did not receive any replies indicating interest in government-to-government consultation or government-to-ANCSA corporation consultation. The Service remains open to consulting with these parties at any time, including prior to the issuance of LOAs, and further notes the regulatory requirement that LOA applicants conduct their own outreach with potentially affected subsistence communities.

Comment: Two commenters stated that the Service did not adequately engage with local stakeholders or incorporate Indigenous Knowledge (IK) into our revisions to the 2021–ITRs.

Response: The Service was directed by the Ninth Circuit Court of Appeals to conduct additional analysis and ''furnish promptly'' the results. At no point did the Service attempt to downplay the importance and value of Indigenous Knowledge. However, with the tight timeline, it would have been impossible to meet the court's direction while also undertaking the considerable effort of integrating IK in the manner the commenter suggests. We invite indigenous peoples and their representatives to provide this information at any time, as we are constantly working to improve our analyses and will incorporate data that has been provided to us.

Comment: Some commenters stated that 30 days was an insufficient period of time to review and comment on the proposed rule, and one comment stated this timeline was too short due to the Service's analysis of case studies.

Response: We believe that we provided the public sufficient time to understand our approach, while still complying with the court's remand instructions. The Service's approach to modeling impacts to denning polar bears is very similar to the approach that we used for the initial 2021–ITRs rulemaking, and the limited amount of modifications considered in the proposed rule (such as the inclusion and classification of four additional, recent case studies) were specifically identified in the proposed rule. We also note that the methodology used to analyze the case studies was detailed in Woodruff et al. 2022, which has been available to the general public for 2 years.

Comment: One commenter suggested that the method of information dissemination used by the Service was insufficient and that we were ''burying'' or ''hiding'' results. Specifically, the commenter had issue with the Service providing the potential for lethal take over a 5-year period in the supplemental denning analysis documents made available on *Regulations.gov.*

Response: The information associated with the proposed rule was provided to the general public using the same method as used for the original 2021–ITRs rulemaking, which was a proven way of disseminating information to the public. At no time did the Service attempt to ''bury'' or ''hide'' the outputs that were readily accessed by the commenter. We additionally changed the format of our output table to include more easily understood descriptors of model results, so that the public did not need to be intimately familiar with our model code to interpret the Service's findings.

Comment: One commenter has claimed that the Service is attempting to obscure the impacts of disturbance during the later denning phase by the mean decrease in survival rate for litters that experience Level A harassment. The commenter also states that the Service should examine potential impacts on longer term cub survival and says the Service's reference to litter survival estimates at 100 days in Andersen et al. (2024) is inaccurate.

Response: The Service is not obscuring impacts and has clearly presented our findings both in the preamble of the proposed rule published in November 2024 and in our complete analytical outputs, which were available to the public on *Regulations.gov.* The studies on which we relied to inform our analysis indicate only a short-term impact of early emergence/early departure on cub litter survival and we are not aware of any studies that indicate the types of disturbance we analyze as having long-term consequences for cub survival. We appreciate the comment regarding the reference to observations of litter survival at 100 days post emergence. We have revisited Rode et al. (2018), the publication originally cited by Andersen et al. (2024), and the authors reference observing collared females with or without dependent young within 100 days post-emergence. We have revised this language in the preamble of this document to refer to this metric as ''litter survival in the spring after den departure.''

Comment: Several commenters assert that authorizing any Level A harassment or injury of polar bears is contrary to the precautionary principle underpinning the Endangered Species Act and Marine Mammal Protection Act.

Response: The Service must process requests for incidental take regulations in a manner consistent with the requirements of section 101(a)(5)(A) of the MMPA, which establishes specific criteria for when incidental take must be authorized.

Comment: Several commenters have stated that any levels of increase of disturbance to dens and family units or decrease in cub survival, especially when considered in combination with other factors such as habitat loss or climate change, will result in non-negligible impact at a population level. Some of these commenters also stated that it is not appropriate for the Service to authorize take by Level A harassment for these reasons.

Response: The Service presented a multifaceted negligible impact

determination with both qualitative and quantitative arguments as to why we do not anticipate the proposed authorized take to have more than a negligible impact on rates of recruitment or survival. We disagree that the data clearly indicate that SBS bears are a declining population. The last two population assessments have shown that the decline that occurred in early 2000s has since abated and the population is currently stable. Even so, we have presented survival probability distributions for both the baseline of the stock (we explain in our methods how our simulation parameters incorporate best available science and are developed using current data for the SBS stock) and the stock when harassment is simulated. As we note, a mean 15 percent decrease in the survival rate for 0.35 percent of dens in a given year does not shift the distribution of survival probability for the stock.

Comment: Several commenters have stated that any reduction in survival probability constitutes a non-negligible impact to the already-declining SBS polar bear population.

Response: We disagree that the data clearly indicate that SBS bears are a declining population. The last two population assessments have shown the decline that occurred in early 2000s has since likely abated and the population is currently likely stable. As we stated in the negligible impact findings of the proposed rule, where we present a multifaceted discussion of the potential effects of the proposed taking, the number of dens that we anticipate may experience Level A harassment represents 0.7 percent of the land-based dens and 0.35 percent of the total dens each year for the SBS stock. When examining the population-wide consequences of a decrease in survival for such a limited number of dens, we find the change in survival distributions is negligible. Thus, the population-level consequences asserted by the commenters are not anticipated.

Comment: Several commenters have stated that any levels of increase of disturbance to dens and family units or decrease in cub survival, especially when considered in combination with other factors such as habitat loss or climate change, will result in non-negligible impact at a population level. Some of these commenters also stated that it is not appropriate for the Service to authorize take by Level A harassment for these reasons.

Response: We have assessed the impacts of anticipated disturbance to denning bears and determined it to be consistent with the MMPA's negligible impact standard. No evidence exists to support the contention that the proposed authorization would impact mating areas, as mating occurs out on the sea ice in spring and not in the area covered by the proposed activities. Further, existing mitigation measures (*e.g.,* activity restrictions when bears are sighted near operations) provide maximum practicable protection to keep family groups from being separated and prevent bodily harm. Additionally, polar bears primarily prey on seals, and disturbance to bears on land or while denning will have no impact on their prey or their prey's habitat.

Comment: One commenter stated that Amstrup (1993), a publication cited by the Service, found ''data indicate that many denned bears exposed to human activities are likely not to be affected in ways that alter their productivity,'' supporting the concept that polar bears appear to be resilient to human activity.

Response: We agree with the commenter that many of the dens reviewed in Amstrup (1993) show no disturbance, but the commenter also fails to mention numerous records in Amstrup (1993) that show potential negative outcomes to cubs from oil and gas activity. We also agree with the commenter that many bears appear to be resilient to disturbance, but we note that a number of the observations occur during the den establishment period, in which we have also found limited evidence for polar bears to be disturbed. This is also a period when females have yet to give birth to cubs, so the consequences of disturbance are more limited than those that occur once cubs are born. The den disturbance probabilities we use for our model are based on the case studies reviewed in Woodruff et al. (2022). For all denning periods, except post emergence, the probability of a den that is exposed to industrial stimuli actually being disturbed is lower than the probability of no disturbance. So, in our approach we already capture the tolerance of many bears to disturbance. Lastly, the case studies presented in Amstrup (1993) were also included in our larger set of case studies used to estimate disturbance probability to dens at different periods of denning and were therefore incorporated into our analysis.

Comment: Commenters have expressed concern that the Service overestimates impacts to denning bears because they rely in part on non-relevant case studies (*i.e.,* studies concerning research activities as opposed to oil and gas activities), and these overestimates will unnecessarily lead to restriction of oil and gas activity in the future.

Response: These comments are largely incorrect. While we did include studies such as those in Woodruff et al. (2022), we removed them (and state as such) from the set that is used to inform disturbance probabilities applied to Industry because we agree that den intrusions, collaring, and other invasive research-related activities do not typically have corollaries with industrial activities on the North Slope of Alaska.

However, in response to comments, the Service made four key updates to our assessment of case studies and subsequently incorporated the results into the den disturbance model. First, we established a new decision rule governing the exclusion of case studies from our disturbance probability calculations. This rule excludes any case study where researchers captured polar bears during the den establishment period. The nature of disturbances associated with Industry activities is not analogous to disturbances cause by capture, and polar bears that recently experienced capture may become dramatically more sensitive to ensuing disturbances. This update therefore avoids undue consideration of case studies that are not representative of effects from industry activities. Second, we no longer assign an ''early emergence'' to any dens where emergence occurred later than the median emergence threshold. Previously we had allowed for inclusion of such cases where additional information indicated that the emergence resulted from a disturbance. We now classify emergences as either early or normal solely in relation to the median emergence threshold. This update provides for more objective application of median emergence threshold, which is intended to serve a biological metric reflective of natural (*i.e.,* undisturbed) behaviors. Third, we updated our calculated median emergence date based on the observed emergence dates of all Southern Beaufort Sea land-based dens, regardless of whether the sow associated with each den was observed with cubs later that spring. In doing so we used data found in Rode et al. (2018; although published in USGS 2018) and Anderson et al. (2024). This resulted in our median emergency date changing from 15 March to 12 March. This update serves to increase accuracy by accounting for unobserved cubs and the reality that some denning sows may not successfully give birth or may lose their litters to natural mortality. Finally, we are now using the data in Anderson et al. (2024) to inform the den disturbance

model's assumption concerning median time spent at the den site, post-emergence. The previous median value of 8 days was generated using dens in Smith et al. 2007, 2013; Robinson 2014, however these studies included dens that were also used in the case study analysis and considered to be exposed to disturbance. The revised median value is now 6.25 days. We have also updated the den disturbance model to use the time at den values from Anderson et al. (2024) to simulate the expected time spent at dens post-emergence for simulated dens. This update increases accuracy because some polar bears that emerge are thought to spend more time at the den site post-emergence as compared to polar bears that emerged consistent with normal timelines.

Comment: Commenters have stated that they find the Service's estimates of take by Level A harassment to be an ''abrupt jump'' from historic records and suggest that the Service has not used recent data in the oilfield to inform our analytical parameters. They express concern that the estimates of impacts to denning bears are an overestimate that will lead to restriction of oil and gas activity in the future.

Response: As we have stated, our analysis to estimate Level A takes based on proposed industrial activities is based on the best available science, which includes Industry-submitted observation reports as well as published, peer-reviewed studies when available. As the commenter notes, historic estimated levels of Level A harassment are lower than what we currently estimate. There are a number of reasons for this change. For instance, an increased proportion of polar bears are denning on land compared to historic estimates. This change in denning behavior has been caused by changing sea ice conditions whereby sea ice dens are less reliable and more prone to failure now that sea ice movements are more dynamic. This change in polar bear distribution alone plays a significant role in the increased numbers of Level A harassments estimated compared to historic patterns. Further, the historic estimates the commenter cites are based on an assumption that aerial infrared surveys were capable of detecting 100 percent of dens surveyed. Based on a reanalysis of the original dataset that led to this assumption, and multiple other studies that have been conducted since, we now know that infrared den detection rates are much lower than originally thought.

Additional studies have been published that show a connection between den emergence date and den departure date on the survival of polar bear litters. These analyses had not been conducted when the historic observations noted by the commenter were made. Because the impact of early emergence and/or early departure from the den site cannot be directly observed, it wouldn't have been captured by Industry and therefore would have led to the appearance of lower levels of Level A harassment than may have actually occurred. Thus, it is not reasonable to assume that Industry's take observations account for all the take that occurred. Relying solely on Industry's observations and failing to account for peer-reviewed science would lead to an underestimate of take because impacts that occur after bears depart the den site (*i.e.,* reduced cub survival related to early emergence/departure due to disturbance) typically cannot be observed. We also have no way to understand how many takes go unobserved by Industry due to weather, terrain, or other sources of observer bias, but this situation clearly happens. When we look at annual estimates of the number of dens within a mile of oil and gas activity in northern Alaska that go undetected during aerial infrared surveys, we find this estimate to be consistent with the number of such dens that Industry observes each year (*i.e.,* 1–2 dens). Thus, our model is actually lining up quite well with Industry's observations.

We also note that while we agree that some bears likely exhibit tolerance to harassment from industrial activities, this tolerance is already captured in our analytical approach whereby dens exposed to industrial activity are assigned a probability of being disturbed by the activity (*i.e.,* we do not assume that the bears in all exposed dens are disturbed). These probabilities are based on a thorough review of denning case studies, which has been published in a peer-reviewed journal (Woodruff et al. 2022).

Comment: One commenter stated the estimation of two Level A harassments over the next 2 years is inconsistent with decades-long history of polar bear reports from Industry. The commenter further cited the encounter reports from 2014 to 2018, stating that the majority of encounters resulted in no change to biologically important behavior.

Response: Unfortunately, relying only on what is observed during ''on the ground'' monitoring by Industry does not account for potential impacts to dens that were not detected. A den could easily be located adjacent to industrial activities and never be observed due to terrain obstructions or poor visibility during winter. Further, as documented with published peer-reviewed science, there is the potential for injury to cubs from early emergence/early departure that would never be witnessed by on the ground monitoring. Our modeling framework estimates between 1–2 dens occurring within 1 mile of Industry that go undetected by FLIR technology. This estimate has been shown to reflect reality quite well during the years of the 2021–ITRs.

Comment: Several commenters claimed that any actions with the potential to kill marine mammals cannot be considered Level A harassment and instead must be considered lethal take. A commenter offered a legal argument for this position, which focuses on the use of the word ''potential'' in certain MMPA provisions defining forms of take. The commenter also asserted that the Service failed to adequately consider the combined likelihood of either lethal take or Level A harassment over the next 2 years, which the commenter characterized as 83 percent.

Response: We disagree. The Service's application of the term Level A harassment is appropriate. The MMPA defines ''take'' to include, among other things, ''harass'' and ''kill.'' The MMPA further defines two types of harassment (Level A and Level B) and specifically incorporated the concept of ''potential'' into those definitions. The MMPA does not define ''kill.'' The Service therefore applies the ordinary meaning of the word ''kill,'' which is to deprive of life or cause the death of, not to potentially deprive of life or cause the death of.

The limited numbers of Level A harassment contemplated by this rule are estimated to entail an average 14 percent marginal reduction in litter survival probability, which represents a possibility of death, but not a certainty or even likelihood of death. This is not an adequate basis for assuming lethal (*i.e.,* ''kill'') take. We also note that such an assumption would be unworkable in the enforcement context in terms of meeting the applicable burden of proof.

The Service also disagrees with the notion that it must report and evaluate a combined likelihood of either lethal take or Level A harassment occurring over the next 2 years. That said, the Service's negligible impact determination for the 2-year period in which this revised rule will apply does reflect consideration of not only the two anticipated Level A harassments, but also the potential for lethal take.

Comment: Several commenters voiced concern about the Service's definition of Level A harassment in the proposed rule and the method for estimating Level A harassment. Specifically, the

commenters stated that the Service should rely on previous methods for calculating serious Level A take wherein we differentiate those takes that may lead to a survival rate less than 50 percent. One commenter noted that the Service's model outputs, provided in supplementary material, indicated that at least one of the takes by Level A harassment estimated for the 2021–2026 period should have been considered a lethal take because of this designation.

Response: The commenter has accurately described the previous analytical outputs from the 2021–ITRs and past take authorizations. However, as we explained in the proposed rule, we no longer rely upon a distinction of ''above 50 percent'' or ''below 50 percent'' survival probabilities or the associated categories of ''serious'' and ''non-serious'' Level A harassment. There are several reasons for this change.

First, the revised rule responds to a court remand that instructed the Service to, among other things, make findings based on aggregated Level A harassment, not separate categories of Level A harassment.

Second, after the remand prompted further review of past practices, we recognized that the outputs generated under the prior approach risked incorrectly attributing estimated cub mortality to the specified activities under review. This possibility stemmed from the fact that the post-disturbance survival probabilities underpinning the prior ''serious'' and ''non-serious'' Level A harassment outputs reflected combined risks from modeled industrial disturbances and natural causes of mortality.

Third, new additional scientific information is available that allows the Service to employ a better approach. Information in Andersen et al. (2024) now allows the Service to estimate survival rates of individual simulated dens. We provide estimates of the mean decrease in survival in our negligible impact determinations. By comparing post-disturbance survival probabilities against a baseline that accounts for natural mortality, we discern the marginal decreases in survival attributable to the specified activities. Our improved approach better aligns with MMPA standards concerning the scope of negligible impact analyses.

Comment: One commenter suggested that the Service's negligible impact determination for the 5-year period should consider the number of cubs whose survival rates will drop below 50 percent due to Industry disturbances. The comment appears to estimate that number as seven.

Response: For reasons explained in the response above, the Service no longer uses the serious/non-serious Level A harassment dichotomy or its 50 percent survival probability threshold to estimate forms of take, and the Service bases its negligible impact analyses on more suitable analytical techniques.

Comment: One commenter stated that combining the potential for lethal takes and the potential for takes by Level A harassment would not be ''double counting.''

Response: The commenter is correct that, in our analytical framework, simulated dens that experience disturbance and subsequent den abandonment are not later allowed to be disturbed again. In our description of the estimated take, as well as our negligible impact determinations, the Service does not assert that combining lethal and Level A takes would be ''double counting.'' We speak about these potential impacts differently because they are different behavioral responses with different consequences for the litter.

Comment: One commenter argues that the Service's negligible impact determination must account for the model's estimates of three reasonably likely cub deaths and four additional substantial contributions to cub deaths.

Response: The commenter, using undefined terms, mischaracterizes the model results, which estimate for the 2021–2026 period a median of two lethal takes and a median of five Level A harassments. The implication that all Level A harassments will substantially contribute to cub deaths isis unfounded. The Service's negligible impact determination fully considers (for both the 2-year period to which the revised rule applies, as well as the 5-year period covered by the prior and current versions of the rule) the impacts estimated by the model.

Comment: Some commenters have asserted that the statistical model used in our denning analysis is not applicable for the AOGA 2021–ITRs. Comments characterize that model as developed to analyze a 1-year project in the 1002 area (*i.e.,* the land designated in section 1002 of the Alaska National Interest Lands Conservation Act—part of the Arctic National Wildlife Refuge in northeastern Alaska) as opposed to a suite of activities over 5 years in a different portion of the North Slope.

Response: Modeling is a statistical tool that can be used to generate estimates of future conditions or potential impacts based upon a series of inputs. By design, statistical models are dynamic and can be modified to answer new questions at different temporal or spatial scales as needed. The Service has thoroughly described each iteration of their denning analysis over a period of several proposed and final MMPA authorizations. Each time, we have detailed the changes to the model as well as the changes in our inputs. The code has been provided for the general public to see and comment on our changes. Further, the model as initially developed for the survey in the 1002 area built a conceptual framework for polar bear denning ecology based on decades of research. Thus, the underlying conceptual framework can be applied across the North Slope by modifying the spatial and temporal components of human activity to be analyzed. Here, our modeling outputs are derived from consideration of (among other things) polar bear distribution data specific to the specific geographical region under review, project-specific footprints and occupancy rates provided by the applicant, and applicable mitigation measures.

Comment: One commenter questioned the need and rationale for adopting a model-based approach to analyzing effects to denning polar bears and stated that there was no reason to depart from the approach used by the Service for estimating take for previous ITRs, which they distinguished as a ''data-driven'' approach.

Response: It is incorrect that the Service abandoned a data-driven approach when it incorporated modeling into its analyses. The Service has always based its analyses on best available science, which has improved over time, and which sometimes warrants altering prior assumptions, *e.g.,* the outdated assumption that FLIR is 100 percent effective at finding polar bear dens. When research indicated that dens cannot be detected 100 percent of the time, and new scientific literature furthered our understanding of the relationship between den emergence date and short-term litter survival, we recognized the need to take a deeper look at polar bear denning ecology and human disturbance. Our denning model now enables us to account for impacts that would be incapable of complete detection on the ground. Throughout our analysis, we use empirical data to derive model parameters, or use the results from published, peer-reviewed science to inform our assessment. Additionally, conditions have changed significantly for the Southern Beaufort Sea subpopulation with more bears denning on land than previously has occurred. These factors further supported our need to take a more data-driven approach to understanding the

different factors that can affect denning polar bears when evaluating ongoing and future activities.

Comment: One commenter stated that a theoretical model cannot fully capture the variability of nature and therefore cannot accurately predict what will occur.

Response: No model can predict the future with absolute certainty, and it is true that in this way every model that exists is ''inaccurate.'' However, as we have explained in multiple rulemakings, the Service has designed our denning analysis using parameters derived from best available scientific data. We incorporate the variability of denning parameters into our analysis, which simulates dens across the impacted area using information from best available science. These parameters are designed to account for the natural processes of polar bear denning phenology, such as variation in litter size, den entry date, birth date, etc. Validation of model performance in this environment is difficult, because, as our estimates suggest, we do not anticipate human disturbance to occur frequently, and unobserved harassment may occur. However, when we look at annual estimates of the number of dens within a mile of oil and gas activity in northern Alaska that go undetected during aerial infrared surveys, we find this estimate to be consistent with what Industry observes each year (*i.e.,* 1–2 dens), indicating our model is actually lining up quite well with Industry's observations.

Comment: One commenter presented an opinion that in Woodruff et al. (2022), a publication cited by the Service, no biological mechanisms are used for the classification of human disturbance. They state that imperfect information and small sample sizes were used to partition denning behavior into simplified stages based on calendar dates. The commenter believes that an outcome of this strategy is a simplistic, biologically unrealistic, and highly conservative bias to classifying the effects of disturbance that leads to overrepresentation of human causation.

Response: We disagree that ''no biological mechanisms are utilized for the classification of human disturbance.'' The process laid out in Woodruff et al. (2022) clearly articulates why disturbance during different denning periods is problematic to polar bears. For example, the identification of the early denning period is tightly linked to biological mechanisms (*i.e.,* cub age) and the fact that cubs at this age are not viable outside of the den due to thermoregulatory issues and an inability to keep up with their mother. If a female leaves the den with or without her cubs before they are 60 days old, the expectation is of a lethal outcome.

The commenter also claims that the methods used by Woodruff et al. (2022) lead to an ''almost certainty that cub mortality would be highly likely using these methods.'' If the commenter is referring to the assumption that den abandonment itself would result in certain lethal take, that is correct: We do anticipate cub death will occur if a sow abandons her less than 60-day old cubs in a den. However, as we have described in table 1 of the proposed rule (89 FR 88216 at 88219, November 7, 2024), lethal take of cubs would only be anticipated in one denning period, the early denning period, as a result of den abandonment. The probability of den abandonment in our updated denning analysis is 0.08 or 8 percent for exposed dens (*i.e.,* less likely than not). This probability of den abandonment was created using the case studies, and the commenter is correct that, absent any information to the contrary, and with evidence of human-caused disturbance, the Service has assumed the cause for the bear's behavior was human disturbance. We have used this method because we are tasked by the MMPA to estimate take resulting from the specified activities, and thus it is imperative that we capture those disturbances that potentially caused a behavioral response.

Comment: Commenters suggested that the case studies used in the Service's analyses resulted in an overestimation of effects of oil and gas activities to denning polar bears. The commenters cited differences in distances from and nature of sources of anthropogenic disturbances, seasonality, den phenology, and location as factors in the Service's interpretation of the data in a manner that the commenter deemed overly conservative.

Response: We agree with the commenter that there is a relationship between the distance between a den and the source of disturbance. This factor was apparent in the recent study of aircraft overflights that the Service published on the relationship between altitude and polar bear take. Unfortunately, these data are challenging to collect in a designed study because they would require purposefully disturbing dens, which could lead to significant demographic impacts to the population. Instead, we must rely on existing case study data to help inform this critical model parameter. The arguments made by the commenter highlight this difficulty. While it is true that the distances between simulated dens and Industry are higher than in the case study dataset, this is likely because of a detection bias in the case studies toward dens found closer to infrastructure. But just because fewer dens were detected farther from human activity in the case studies does not mean that dens farther out were not potentially disturbed, it is more likely that they were just not detected.

Comment: One commenter suggested that the data used to formulate the den disturbance model did not accurately represent disturbance to polar bears from oil and gas related activities and that the model therefore provided artificially inflated estimates of potential effects to denning polar bears. The commenter further suggested that the Service's model is biased and its use in incidental take authorization processes has resulted in overregulation of oil and gas operations, thereby increasing costs and inhibiting development and exploration efforts.

Response: We disagree that the model is biased. There is a difference between bias and precision. We agree there is room for added precision in the model as additional data are collected. Our model is based on significant amounts of published, peer-reviewed science or analyses based on empirical data, so we use the best available science to inform our analysis and do not apply any biased perspectives in its development or application.

The Service authorizes incidental take when applicable MMPA requirements and standards are met. Economic considerations may come into play when reviewing the practicability of potential mitigation measures but are not to influence the Service's analysis of whether specified activities meet MMPA standards such as ''small numbers'' and ''negligible impact.''

Comment: Several commenters have stated that the Service failed to base its take estimates on best available scientific information, and that the denning analysis (also referred to as ''the model'') used by the Service is overly conservative and therefore an inappropriate method for estimating potential take.

Response: The Service's model is not intentionally designed to be conservative, nor is it intended to reflect precautionary principles. The Service has used best available science to present the most accurate estimation of take currently possible. Data concerning SBS polar bears and the effects of oil and gas activities on SBS polar bears is not perfect and complete, owing to inherent limitations in what can be observed or measured, along with other

factors. As with any predictive model grappling with inherent uncertainties, the Service's model must rely in part on some reasonable assumptions. Assumptions that are more likely to err, if at all, on the side of overestimating rather than underestimating take are specifically acknowledged as potentially conservative by the Service for the sake of transparency. These statements should not be misconstrued as evidence that the assumptions are unreasonable, or that the Service's model as a whole is ''conservative.''

Comment: Commenters suggested that the case studies used in the Service's analyses resulted in an overestimation of effects of oil and gas activities to denning polar bears. The commenters cited differences in distances from and nature of sources of anthropogenic disturbances, seasonality, den phenology, and location as factors in the Service's interpretation of the data in a manner that the commenter deemed overly conservative.

Response: The commenter is incorrect that the Service's definitions of ''early emergence'' and ''early departure'' do not reflect the actual range of emergence departure dates in published studies. When we assign den phenology metrics to simulated dens, the dates of den entrance are derived from a distribution based on empirical data from published studies. Similarly, the date of den emergence and time spent at the den site post emergence before departing the den site are all informed based on empirical distributions informed by data published in the studies cited by the commenter. As a result of this and other comments on the proposed ITR, we have re-evaluated our case studies. As a result we have updated our calculated median emergence date for use in our case study determinations to be derived from median emergence date of all Southern Beaufort Sea land-based dens regardless of whether they were observed with cubs later that spring or not. We used data found in Rode et al. (2018; although published in USGS 2018) and Andersen et al. (2024). This resulted in our median emergence date changing from 15 March to 12 March. We are also now using the data in Andersen et al. (2024) to inform the median time spent at the den site, post-emergence. The previous the median value of 8 days was generated using dens presented in Smith et al. 2007, 2013; Robinson 2014, however dens in these studies were also used in the case study analysis and considered to be exposed to disturbance. The revised median value is now 6.25 days. We have also updated the den disturbance model to use the time-at-den values from Andersen et al. (2024) to simulate the expected time spent at dens post emergence for simulated dens.

Comment: One commenter stated that a retrospective analysis that reviews and summarizes incidental take from Industry activities that have occurred in the past would provide a far more accurate estimate of incidental take likely to occur from those same activities in the future.

Response: We do not see how the type of retrospective analysis suggested by the commenter would be more accurate at estimating take from ongoing and future activities than the techniques utilized by the Service in this rulemaking action. The commenter does not explain, for example, how the suggested retrospective analysis could fully account for past take that occurred but was not observed, or for current polar bear distribution data as they relate to current locations of Industry activities.

Comment: Commenters suggested that the Service's model estimates maximum levels of take that could occur in a single year, that these overestimates compound over time, and that the Service acknowledges as much.

Response: We disagree. The referenced Service language was part of a larger discussion of the ways in which the Service modified aspects of its modeling approach so as to avoid overestimating the take considered in this revised rule. The Service does not estimate, and the rule does not consider, ''maximum'' levels of take during any time period.

Comment: One commenter stated the Service is using the den disturbance model, which the commenter believes is overly conservative, exclusively and to the exclusion of all other relevant data when assessing effects to denning polar bears.

Response: The commenter seems to imply that the den disturbance model is simply a conceptual framework that is not based on empirical data. This is an incorrect assessment. In reality, the ''model'' is fundamentally based on what is known about polar bear denning ecology. Then the specific parameters within the model are derived from empirical data to objectively inform them. So, we do not exclude consideration of ''available, relevant information'' and are quite clear in our documentation where our data and information come from and how we integrate it into our analytical framework. As explained elsewhere, we have not stated, and do not believe, that the model or its outputs are ''overly conservative.'' Any implication that the Service's analysis is wholly quantitative, and does not account for qualitative considerations, is also incorrect. Qualitative considerations and best professional judgment inform not only the development, refinements, and use of the model, they also provide additional forms of support for the Service's MMPA-required determinations, *e.g.,* ''small numbers'' and ''negligible impact.''

Comment: One commenter stated that the reduction of the impact area during the early denning period was appropriate but that impact areas for all denning periods should be similarly reduced to reflect average distances at which polar bear responses have been observed.

Response: Unfortunately, we cannot rely on the average response distance to improve the model. We need to know how disturbance probability varies with distance, and it needs to be specific to the different denning periods because of variation in how sensitive bears are depending on what period of denning they are in. Further, if the Service were to rely upon the average distance at which denning bears responded to Industry, we would almost certainly fail to account for some responses, as the nature of averages dictates occurrences both higher and lower than average.

Comment: One commenter cited the preamble of the proposed rule, where the Service used the phrasing ''risks unduly overstating projected aggregate impacts, raising the possibility that incidental take resulting from specified activities with acceptable levels of impacts could not be authorized'' and ''would be inconsistent with the intent of section 101(a)(5)(A) of the MMPA'' (89 FR 88216 at 88218, November 7, 2024).

Response: The commenter is referring to the statement wherein the Service describes the reason for our reexamination of a specific aspect of past model iterations. As we stated in the proposed rule, our current analysis incorporated newly available scientific evidence and further refined certain model assumptions where appropriate to achieve greater accuracy.

Comment: One commenter stated that the Service presented a known overestimate of incidental take that misleads the public regarding the amount and severity of potential impacts to polar bears from oil and gas operations. The commenter further stated that this overestimate undercuts the efforts of Industry and other governments and agencies to manage oil and gas activities in a sustainable manner.

Response: The Service presented our analytical methods in the proposed rule;

we do not believe that our estimates are an ''overestimate'' and state that clearly. As the commenter stated, there is a large amount of variability in the natural world, and there is no one ''right'' answer to how many takes will occur in the future. We have no intention of undercutting the work of State, and borough agencies, and we look forward to continuing our coordination with these entities in the future. We coordinate closely with Industry members to develop and help in the implementation of mitigation measures and look forward to continuing that relationship as well.

Comment: One commenter suggested that the Service did not adequately describe the incorporation of Andersen et al. (2024) into our denning analysis.

Response: In short, simulated dens are assigned ''natural'' (*i.e.,* not exposed to human activity) emergence and departure dates, and for those that are disturbed by human activities (assigned randomly based on the probabilities of response estimated from the ITR case studies), earlier dates of emergence and departure are assigned. The model of Andersen et al. (2024)—which links emergence date, post-emergence duration, and litter survival—is then used to determine the difference in litter survival attributable to the disturbance and concomitant earlier phenological dates.

Comment: One commenter believes that the model underestimates the impacts of Industry activities to polar bears.

Response: We based our analysis on the best available science, which includes a substantial number of published peer-reviewed studies that are used to inform our analytical framework. Based on these studies (*e.g.,* Woodruff et al. 2022, Rode et al. 2018, Andersen et al. 2024), we have accounted for the impacts of harassment impacting life stages of cubs and the associated take (*i.e.,* Level B) for the nursing female. Further, our analysis relies on a thorough assessment of case studies where denning bears were exposed to human activity. This is a published, peer-reviewed study (Woodruff et al. 2022), and we incorporated it into analysis. The commenter did not provide specific assumptions they believe underestimate impacts to polar bears, so we cannot specifically address this comment other than to state that we strive to make the model as accurate as possible.

Comment: One commenter states that the Service's description of the estimated reduction in cub survival rates is confusing and underestimates impacts to cub survival. The commenter refers to a report by Dr. Trent MacDonald that discusses combining disturbances in the early and late denning periods. The commenter also states that the Service ignores potential lethal takes in our reporting.

Response: We disagree. The Service provided our comprehensive analytical methods and outputs on *Regulations.gov;* the updated aggregated 5-year probability of lethal take is 0.55 (although see our negligible effects determination for further context for this potential impact); and our lethal take estimate was limited to early denning disturbances. The Service has reviewed the report by Dr. MacDonald, and, based on our analysis, we disagree with the report's findings as they may apply to our analysis. We do not ignore potential lethal takes in our reporting.

As is explained elsewhere, we disagree with the assertion that all take by Level A harassment should be considered as commensurate to lethal take. The anticipated behavioral response that may lead to lethal take was abandonment of a den by a sow, causing the death of the cubs. In contrast, early emergence from a den and/or early departure from the den site were identified as behaviors that may cause injury in the form of a decrease in survival rate of the cubs (as they may be smaller and less suited for their environment); however, we do not anticipate mortality as a result of these behavioral responses. The Service further described the influence of emergence date and den departure date on the survival probability of polar bear cubs and estimated the average decrease in litter survival as a result of industrial disturbance. While we consistently strive to incorporate best available science in our take estimates, there is currently no data to describe the potential impact of emergence date and den departure date on cub survival past spring den emergence days. Therefore, any quantitative estimate of impacts to cubs past spring den emergence would be arbitrary at this time. We disagree that our focus on Level A harassment was confusing or unclear. We clearly explain our results. However, in response to this comment, we have additionally provided a figure that illustrates the population-level effects of both lethal and Level A take on estimated litter survival over the 5-year period.

Comment: One commenter stated that there does not appear to be a significant effect of exposure on the emergence date of polar bears in the late denning period. The commenter presents their analysis, using a Mann-Whitney U test (Wilcoxon rank-sum test) to compare the median dates of den emergence between case studies used in the 2021–ITRs and the land-based Beaufort Sea dens in Andersen et al. (2024). The median emergence date for the 2021–ITRs case study dens was 1 day later (March 18) than the median emergence date for the Beaufort Sea land-based dens evaluated by Andersen et al. (2024; March 17; figure 1). They state a pattern of case study emergence dates being earlier instead of a day later (*i.e.,* essentially the same date) would be expected if exposures cause early emergences some of the time.

The commenter states in the 2021–ITRs denning analysis, the probability that about half of simulated dens that are exposed to activities in the late denning period cause early emergences is largely the result of a conservative assumption made in evaluating the case studies. This conservative evaluation assumption would classify approximately half of a random set of undisturbed dens as being early emergers. In the evaluation of case studies, 19 of 39 dens (*i.e.,* about half the dens) were classified as being early emergers, which is about the average of what would be anticipated if there was no effect of exposure on early emergence.

Response: We agree that emergence dates at dens exposed to human activities would be earlier, on average, than those at undisturbed dens if those human activities caused bears to emerge earlier than they would have under undisturbed conditions. This assumption can be tested across datasets, however, only when other variables are controlled for adequately, and phenology is estimated with similar methods so that ''emergence'' represents the same activity. Unfortunately, this is not the case with the observer-based estimates from the ITR case studies and those from Andersen et al. (2024), which were estimated from collar temperature data. In Andersen et al. (2024), ''emergence'' represents the act of opening a den and exposing the relatively warm den to colder ambient air; the date of emergence is estimated by identifying the point in the time-series data when sensor temperature decreases markedly.

In the ITR case studies, emergence is estimated as the first day a bear was seen outside of a den, which means that these estimates represent the latest possible date that a bear could have emerged. Because bears can open dens days before they exit the den for the first time, and because polar bears can spend >97% of their time in the den during the post-emergence period (Smith et al. 2013; Robinson 2014), it is likely that

bears in many case studies opened their dens (or left their dens for the first time) before they were first observed. In the absence of emergence dates estimated with similar methodology that ensures estimates represent the same denning event, a comparison of median emergence dates is inappropriate as a test for an effect of disturbance on emergence. Because the outcomes of case studies during the late denning period are characterized as early or late emergences by comparing the date a bear was first reported on the surface (the maximum possible emergence date) to the mean date of emergence as defined by den opening (the earliest possible emergence date), the process for predicting take is certainly not overly conservative.

Comment: One commenter disputed the Service's assumptions regarding the post-emergence periods and offered their own analysis of some of the scientific materials utilized by the Service.

Response: The median number of days bears spent at the den site after den emergence in the ITR case studies was 3.0 days, not 4 as claimed by the commenter (durations were 18, 8, 3, 2, 1, 3, 6, 0, 2, 3, 14, 5, 14, 6, 2, 4, 4, 0, and 3 days; ranges represent uncertainty in phenology). Consequently, the difference in median durations between the ITR case studies (3.0 days) and productive land-based dens in the Southern Beaufort Sea subpopulation in Andersen et al. (2024; 6.3 days) was 3.3 days, which means that bears in the ITR case studies remained at the den site, on average, only 48 percent of the time bears remained at undisturbed den sites which the commenter acknowledges. Because research has shown that time spent at the den site post-emergence is related to litter survival (Andersen et al. 2024), we cannot ignore the fact that there is a potential for disturbance near a den site to lead to earlier departure. The lack of statistical difference in time spent at dens post-emergence does not mean there is not a biological effect, especially considering the relatively small sample sizes for comparison.

Further, the commenter is incorrect that we're using the mean time spent at den as our threshold value to determine early departure which then leads to a majority of dens being classified as early departures given the skewed distribution of observations. Instead, we actually use the median time spent at the den for undisturbed dens as our threshold, thus it would not lead to the biases indicated by the commenter. If dens exposed to disturbance were not leaving earlier than undisturbed dens, we would only expect 50% of case study dens to exhibit departures earlier than the median undisturbed den departures. Instead, the case studies show that 68% of dens had shorter time spent at the den post emergence than the median for undisturbed dens.

While it is true that Fig. 3 in Andersen et al. (2024) does show a relationship between emergence and time spent at den post-emergence, that graph was not specific to land-based dens. When restricted to land-based dens only, there is no significant correlation between emergence date and time at the den post-emergence for dens known to have cubs, or for land dens irrespective of cub status.

Lastly, the commenter is incorrect that the Service did not consider post-emergence duration for dens that had an early emergence in the case studies. In fact, we do consider those dens too, but because of the disturbance leading to early emergence, we treat that probability separately in our modeling to ensure that the previous disturbance is being accounted for in the bear's response. We presented those values in the proposed rule and those dens have a lower probability of an early departure (0.33) than if they did not have an early emergence (0.68).

Comment: One commenter stated that the Service's model parameters, which are derived from the Service's case studies, do not reflect the data in the ''original sources of information,'' nor do they account for natural variation in bear denning periods. The commenter states that the Service then applies these probabilities, based on ''inaccuracies,'' which compounds conservative assumptions and leads to unrealistic results.

Response: We articulated our decision-making process in the published, peer-reviewed study Woodruff et al. (2022), and our model parameters are consistent with the information in the case studies. There is no compounding of conservative assumptions. Recently published studies have shown there is an effect of early emergence/early departure on litter survival. Because these relationships are dependent on how far along in the denning period a den is when it is disturbed, we needed to add a date on which the disturbance occurred and therefore how those updated emergence/departure dates translated into litter survival. Much of the activity conducted by member companies of AOGA occur year-round, so if a disturbance occurs during a denning period in our analysis, we need to simulate the date at which it occurred. But the simulation could mean, for example, that a den was disturbed only a day before its intended emergence date, in which case the impact on a litter's survival would be small. The converse is also true, but it highlights that this approach does not compound ''conservative assumptions,'' but rather objectively allows variation in how disturbance affects denning polar bears.

It is not accurate to imply that all of the model's assumptions are conservative in nature. The Service and partners have developed numerous peer-reviewed and published papers that we use to more objectively inform parameters used in the model. Where we still lack adequate data, we may use our best professional judgment to develop and implement reasonable assumptions. It is false to suggest that all of our assumptions are conservative. Our assumptions, some of which are more likely to err on the side of overestimating take, and some of which are more likely to err on the side of underestimating take, are structured to, on balance, achieve the maximum degree of accuracy currently possible.

Comment: Several commenters state the probabilistic inputs to the denning model skew results because they include events that are unrepresentative of Industry activities, such as researchers engaging in invasive activities like collaring. Specifically, one commenter states that the case study dataset includes 41 records that involve invasive research activities that have a greater likelihood of incidental take than the industrial activity to which they are applied.

Response: The commenter is largely incorrect. While we did include studies such as those in Woodruff et al. (2022), we removed them (and state as such) from the set that is used to inform disturbance probabilities applied to Industry because we agree that den intrusions, collaring, and other invasive research-related activities do not typically have corollaries with industrial activities on the North Slope of Alaska. As we stated in a previous response, we established a new decision rule in response to comments to exclude case studies from our disturbance probability calculations this rule excludes any case study where researchers captured bears during den establishment from disturbance probability calculations.

We also continuously update our set of dens used to estimate disturbance probabilities. In the denning analyses conducted for this proposed rule, we included four additional dens that had been exposed to industrial activity on the North Slope (without regard to whether the activities were conducted

pursuant to the 2021–ITRs). Two of these occurrences indicated impacts consistent with Level A harassment, and the other two were examples of bears exhibiting resilience to disturbance.

Comment: Commenters suggested that the case studies used in the Service's analyses resulted in an overestimation of effects of oil and gas activities to denning polar bears. The commenters specifically cited case studies 8 and 32 as cases they felt were not applicable to the Service's analysis.

Response: We set clear parameters, outlined in the 2021–ITRs, to determine the inclusion of case studies into our disturbance distributions. Following those parameters, case study 8 and case study 32 were both retained and used to calculate den abandonment probabilities. In response to comments, we have re-evaluated the inclusion of research-related studies, and established a new decision rule to exclude case studies from our disturbance probability calculations this rule excludes any case study where researchers captured bears during den establishment from disturbance probability calculations. We have subsequently removed case 8 from our calculation of disturbance probabilities. In case study 32, we determined there was a potential for den abandonment and subsequent cub mortality. While the commenter accurately notes that the Service's trip report does not confirm cub death, it does not definitively rule it out, importantly noting that faint, parallel lines were found in the snow near old fox tracks, potentially indicating scavenger activity. As such, we feel both cases are applicable in our analysis, and should be retained in the disturbance probability calculations.

Comment: A commenter stated that a decrease in cub survival of 14 percent will lead to population decline and thus a non-negligible impact.

Response: As we stated in the proposed rule, a decrease in cub survival is anticipated for only a very small number of dens, representing only 1.8 percent of land-based SBS dens and 0.9 percent of all SBS dens that exist that year. We do not anticipate this limited amount of impact to lead to population decline in the SBS stock.

Comment: Several commenters stated that, given the decline of the Southern Beaufort Sea population, its small size, the poor recruitment due to low cub survival rates, predicted habitat loss and climate-related effects, and the greater importance of land dens given their greater likelihood of yielding cubs that survive, the loss of even one additional cub is very significant to the long-term survival of the stock, and certainly cannot be written off as a negligible impact. The commenters further stated that the Service's own revised modeling shows multiple deaths of cubs based on the 5-year cumulative impacts, as described above.

Response: For reasons explained in our negligible impact determination, we disagree with commenters' conclusory assertion that the loss of one cub is inconsistent with the negligible impact standard. We also disagree that the limited loss of cubs estimated in our 5-year analysis would obstruct the stock's recovery. Our analysis is informed by studies such as Regehr et al. (2017), which showed that a polar bear population declining due to sea ice loss can withstand continued harvest at current levels without hindering the persistence of the population. While this rule does not pertain to harvest or contemplate additional removals at levels approaching ongoing subsistence harvest rates, we acknowledge the general principle that small levels of removal can occur, under the theory of compensatory mortality (*e.g.,* Burnham and Anderson 1984, Bartmann et al. 1992), without leading to declines in long-term persistence.

Comment: Several commenters asserted that continued oil and gas activities are incompatible with polar bear conservation efforts and objected to the Service authorizing oil and gas activities, or take incidental to oil and gas activities, within the range of SBS polar bears. Further, two commenters stated that the Service did not incorporate the potential effects of climate change and Arctic warming on polar bears and their habitat within the range of SBS polar bears.

Response: The Service does not authorize oil and gas activities in the Southern Beaufort Sea area, only the take of small numbers of polar bears and Pacific walruses incidental to these activities. We acknowledge the effects of climate change and sea ice loss are the largest threat to SBS polar bears. However, as we have presented during this rulemaking, we do not believe that the incidental takes by Level B and Level A harassment that are anticipated pose a critical threat to the stock. We have presented a comprehensive background on polar bear biology, habitats, prey, spill risk, climate change, and potential consequence of disturbance in the original 2021–ITRs.

Comment: One commenter stated that the Service's discussion on the relationship between potential male cub death and population recruitment irrationally ignores that killing cubs, regardless of their gender, necessarily prevents the addition of a new individual to the population and instead focuses only on the reproductive capacity of the lost individual. They also take issue with the Service's statement that ''loss of less than one female cub per year is within the natural variability'' and therefore ''cannot be reasonably expected to cause an adverse impact on annual rates of recruitment,'' as this statement irrationally ignores that these cub deaths caused by the activities under the 2021–ITRs are additional to the ''natural'' cub deaths from other causes. The commenter also states that the Service fails to address that the ''natural'' cub deaths reflect a cub mortality level that has prevented the population from increasing after it was devastated.

Response: The Service is not authorizing the lethal take of cubs in this rule but acknowledges that there is the potential for decreased survival rates of cubs due to disturbance at the den site. The Service's negligible impact analysis focuses on potential impacts at the stock level. Because recruitment occurs on an annual basis, and because cubs generally have high mortality rates during their first year even in the absence of disturbance, we show that the potential death of 1–2 cubs is unlikely to lead to population-level effects, especially when considering the concept of compensatory mortality, wherein human-caused removals are compensated for by a decrease in other density-dependent sources of mortality. Further, while it is true that the death of a male cub would still lead to a reduction of the population by one individual, we again find that the potential loss of a male cub is less influential on stock dynamics than the loss of a female cub. This assumption is firmly established in the field of wildlife management with few exceptions that do not apply here (*e.g.,* Allee effects).

The commenter states that any potential cub death would be in addition to natural cub deaths; however, this statement oversimplifies population ecology and fails to take into account the potential causes of death that may happen between spring of a cub's first year and the time of its reproductive maturity. The commenter incorrectly states that the SBS polar bear population is currently in decline. While it is true that the subpopulation has exhibited a decline beginning in the early 2000s, that decline appears to have stabilized based on the current science that we cite (Bromaghin et al. 2021). No one is certain about the cause of the decline, but it has been suggested to have been associated with a die-off of seals during the early/mid 2000s, which has since abated. We are not certain on

what information the commenter is basing a claim that the subpopulation's decline has been due to high rates of cub death.

Comment: One commenter stated that the Service must consider whether loss of one or more cubs impairs the prospects for stabilizing the stock or reversing decline to attain improved population growth rates. The commenter further stated that a taking that will potentially impair the survival of a number of polar bears exceeding the PBR [potential biological removal] estimated for the SBS stock cannot be a negligible impact, and an impact that would cumulate with other sources of anthropogenic take to result in potential deaths exceeding the PBR similarly cannot be a negligible impact.

Response: We disagree that the data clearly indicate that SBS bears are a declining population. The last two population assessments have shown the decline that occurred in the early 2000s has since abated and the population is currently stable.

Oil and gas activities have occurred in the region of the 2021–ITRs for several decades. These activities occurred prior to the SBS polar bear stock's decline in the early to mid-2000s, during that period of decline, and in more recent years as the population has stabilized. We are unaware of any data demonstrating a link between the types of activities considered here and fluctuations in SBS polar bear stock numbers. While no one is certain about the cause of the decline in the early to mid-2000s, it has been suggested that the decline was associated with a die-off of seals during the early/mid 2000s, which has since abated. In any event, available data does not support the commenter's assumption that oil and gas activities in the region of the 2021–ITRs are causing population-level declines or are inconsistent with the stock increasing in the future.

Our negligible impact analyses consider the impacts of the total taking in light of the baseline of existing impacts to the stock, which here include climate change, subsistence harvest, variability in prey abundance, and other factors. For the reasons explained in the negligible impact determination, the Service does not expect or think it likely that impacts properly attributed to the take considered in this rule will result in a non-negligible impact to the stock.

Comment: One commenter indicated concern about the lack of consideration of the intrinsic value of individual polar bears and the reduction of impacted bears to statistics.

Response: Under the MMPA, we are tasked with assessing the potential impacts on marine mammal stocks. Statistical analysis helps us better understand these impacts and should not be construed as disrespecting the intrinsic value of polar bears.

Comment: One commenter stated that the Service did not adequately address risks of oil spills.

Response: We presented a comprehensive risk assessment of the potential for major oil spills in the initial rulemaking for the period 2021–2026, and we do not have any new information to warrant revising that analysis. The Service is an active participant in State-wide oil spill response and works cooperatively with Industry members, oil spill response organizations, and organizations like the Alaska Zoo to maintain preparedness in the event of an oil spill.

Comment: Some commenters suggested that the Service did not adequately address effects to movement corridors and of sea ice loss when considering revisions to the 2021 rule.

Response: No current literature supports the idea of Industry activities impacting polar bear movement throughout the area of the 2021–ITRs. The Service is actively conducting capture and tagging work within the oilfield to gather more information on polar bear movements; however, at this time there is no indication that bear movements are impacted by Industry presence.

Comment: One commenter stated that the Service's citation of 15.5 percent of encounters resulting in Level B harassment is an overestimate.

Response: We disagree. The Service's assessment of past polar bear encounter records has indicated roughly 15.5 percent of polar bear encounters entail Level B harassment. Our take determinations have been conducted through careful consideration by Federal wildlife biologists with years of polar bear experience.

Comment: One commenter stated that the harassment rate for polar bears used in the surface analyses should not include polar bear encounters in which intentional take occurred.

Response: The harassment rate referenced by the commenter pertains to surface interactions and Level B harassment only, not the Level A harassment that was the focus of the court remand and is the focus of this revised rule. While we continue to welcome information and suggestions that may improve our future analyses, we are not aware of any information that warrants revising our estimates of Level B harassment at this time. We reviewed the information concerning the frequency of Level B harassment occurring during activities authorized under the 2021–ITRs and found no information suggesting the rates of Level B harassment are different than those contemplated in the original rule.

Comment: One commenter stated that the Service overestimated the surface encounter rate for polar bears in coastal waters when estimating takes by Level B harassment.

Response: The encounter rate referenced by the commenter pertains to surface interactions and Level B harassment only, not the Level A harassment that was the focus of the court remand and is the focus of this revised rule. While we continue to welcome information and suggestions that may improve our future analyses, we are not aware of any information that warrants revising our estimates of Level B harassment at this time.

Comment: One commenter stated that the Service did not account for repeated encounters of the same individual polar bears and, as a result, overestimated the number of animals taken by Level B harassment.

Response: The harassment rate referenced by the commenter pertains to surface interactions and Level B harassment only, not the Level A harassment that was the focus of the court remand and is the focus of this revised rule. While we continue to welcome information and suggestions that may improve our future analyses, we are not aware of any information that warrants revising our estimates of Level B harassment at this time.

Comment: One commenter argued that the Service's surface analysis, which relies upon polar bear encounter rates, estimates of human occupancy, and a harassment rate to estimate take by Level B harassment, is not supported by best available science because the addition of new facilities and infrastructure does not correlate with an increase in the number of harassment events. The commenter also argues that ''occupancy'' is not an act of pursuit, torment, or annoyance and therefore cannot constitute harassment under the MMPA.

Response: Occupancy rates feed into the Service's larger modeling analysis and further our understanding of how, when, and where the specified activities may interact with, and cause impacts to, SBS polar bears. The Service recognizes that many of the specified activities are seasonal. Contrary to what the comment suggests, occupancy rates are applied in order to refine estimates of take such that they are limited to those times and locations where Industry acts create stimuli that can affect polar bears. The

Service does not view a departure from this approach as warranted at this time.

Comment: One commenter disagreed that the Service has authority to authorize Level A harassment when it has not been requested by the petitioner.

Response: The Service has revised the 2021–ITRs in a manner consistent with its updated analysis and the remand instructions.

Required Determinations

National Environmental Policy Act (NEPA)

We prepared a final supplemental environmental assessment (EA) and finding of no significant impact (FONSI) in accordance with NEPA (42 U.S.C. 4321 *et seq.*). We found that issuance of this final rule would not significantly affect the quality of the human environment and, thus, preparation of an environmental impact statement for this rulemaking action is not required by section 102(2) of NEPA or its implementing regulations. A copy of the EA and FONSI can be obtained from the locations described in **ADDRESSES**.

Endangered Species Act (ESA; 16 U.S.C. 1531 et seq.)

Under the ESA, all Federal agencies are required to ensure the actions they authorize are not likely to jeopardize the continued existence of any threatened or endangered species or result in destruction or adverse modification of critical habitat. The polar bear is listed as a threatened species under the ESA at 50 CFR 17.11(h) with provisions issued under section 4(d) of the ESA at 50 CFR 17.40(q) and designated critical habitat for polar bear subpopulations in the United States at 50 CFR 17.95(a). Prior to issuance of this final rule, we completed intra-Service section 7 consultation with the Service's Northern Alaska Field Office regarding the effects of these revised regulations. The Service has found that the issuance of this final rule will not jeopardize the continued existence of polar bears or adversely modify their designated critical habitat, not will it affect other listed species or designated critical habitat. The evaluations and findings that resulted from this consultation are available on the Service's website and at *https://www.regulations.gov.*

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866, as reaffirmed by E.O. 13563, provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules, as defined by E.O. 12866. OIRA has determined that this rule is significant under E.O. 12866.

As reported in the preamble to the 2021–ITRs, Industry expenses were expected to be related to, but not necessarily limited to: the development of requests for LOAs; monitoring, recordkeeping, and reporting activities conducted during Industry oil and gas operations; development of polar bear interaction plans; and coordination with Alaska Natives to minimize effects of operations on subsistence hunting. Realistically, these costs are minimal in comparison to those related to actual oil and gas exploration, development, and production operations. As is presently the case, profits will accrue to Industry; royalties and taxes will accrue to the Government; and the 2021–ITRs likely had little or no impact on decisions by Industry to relinquish tracts and write off bonus payments. Compliance with the revisions made by this final rule is not expected to result in additional costs to Industry.

Small Business Regulatory Enforcement Fairness Act

OIRA has determined that this rule does not meet the criteria set forth in 5 U.S.C. 804(2), subtitle E of the Small Business Regulatory Enforcement Fairness Act. This rule is not likely to result in a major increase in costs or prices for consumers, individual industries, or government agencies or have significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

We have also determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Oil companies and their contractors conducting exploration, development, and production activities in Alaska have been identified as the only likely applicants under the regulations, and these potential applicants have not been identified as small businesses. Therefore, neither a regulatory flexibility analysis nor a small entity compliance guide is required.

Takings Implications

This rule does not have takings implications under Executive Order 12630 because it authorizes the nonlethal, incidental, but not intentional, take of polar bears by Industry and thereby, exempts these companies from civil and criminal liability as long as they operate in compliance with the terms of their LOAs. Therefore, a takings implications assessment is not required.

Federalism Effects

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132. The MMPA gives the Service the authority and responsibility to protect polar bears.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule would not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Government-to-Government Coordination

It is our responsibility to communicate and work directly on a Government-to-Government basis with federally recognized Alaska Native Tribes in developing programs for healthy ecosystems. We seek their full and meaningful participation in evaluating and addressing conservation concerns for protected species. It is our goal to remain sensitive to Alaska Native culture, and to make information available to Alaskan Tribal organizations and communities. Our efforts are guided by the following policies and directives:

(1) The Native American Policy of the Service (January 20, 2016);

(2) The Alaska Native Relations Policy;

(3) Executive Order 13175 (January 9, 2000);

(4) Department of the Interior Secretary's Orders 3206 (June 5, 1997), 3225 (January 19, 2001), 3317 (December 1, 2011), 3342 (October 21, 2016), and 3403 (November 15, 2021) as well as Director's Order 227 (September 8, 2022);

(5) The Alaska Government-to-Government Policy (a departmental memorandum issued January 18, 2001); and

(6) the Department of the Interior's policies on consultation with Alaska Native Tribes and organizations.

We have evaluated possible effects of the rule on federally recognized Alaska

Native Tribes and ANCSA (Alaska Native Claims Settlement Act) Corporations. The Service determined that additionally authorizing two takes by Level A harassment of polar bears during the remaining 2 years of the 2021–ITRs, with no more than two Level A harassment takes occurring within a single year from the SBS stock of polar bears, would not have any Tribal implications or ANCSA Corporation implications and, therefore, Government-to-Government consultation or Government-to-ANCSA Corporation consultation is not necessary. Nevertheless, and to ensure Alaska Native Tribes and Corporations were aware of this regulatory action, the Service wrote to potentially affected Tribal Governments and Corporations to inform them of the proposed rule changes and seeking their comment; however, the Service did not receive anyany requests for consultations oror any such comments. The Service invites continued discussion as we implement this final rule.

Civil Justice Reform

The Department's Office of the Solicitor has determined that these regulations do not unduly burden the judicial system and meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This rule requests a revision to an existing information collection. All information collections (ICs) require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB previously reviewed and approved the information collection requirements associated with incidental take of marine mammals in 50 CFR subparts J and L and assigned OMB Control Number 1018–0070 (expires July 31, 2026).

In accordance with the PRA and its implementing regulations at 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on our proposal to revise OMB Control Number 1018–0070 and on our request for a new control number as described below. This input will help us assess the impact of our information collection requirements and minimize the public's reporting burden. It will also help the public understand our information collection requirements and provide the requested data in the desired format.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this proposed information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this rulemaking are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This is a nonform collection. Respondents must comply with the regulations at 50 CFR part 18, which outline the procedures and requirements for submitting a request. Specific regulations governing authorized incidental take of marine mammal activities are contained in 50 CFR part 18, subparts J (incidental take of polar bears and Pacific walruses in the Beaufort Sea) and L (incidental take of northern sea otters in the Gulf of Alaska). These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine if it is appropriate to issue specific regulations and, subsequently, LOAs. We use the information to verify the findings required to issue incidental take regulations, to decide if we should issue an LOA, and (if an LOA is issued) what conditions should be included in the LOA. In addition, we analyze the information to determine impacts to polar bears, Pacific walruses, northern sea otters, and the availability of those marine mammals for subsistence purposes of Alaska Natives.

In conjunction with this rulemaking, we will request OMB approval of the following:

(1) *Revise and renew OMB Control No. 1018–0070 to retain the currently approved ICs and burden estimates associated with 50 CFR part 18, subpart J—Beaufort Sea*—This ITR in subpart J, issued to the Alaska Oil and Gas Association (AOGA) is effective August 5, 2021, through August 5, 2026. It authorizes the nonlethal incidental, but not intentional, take of small numbers of polar bear and Pacific walrus for oil and gas exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska. Unless a new ITR is issued for subpart J, we will discontinue OMB Control No. 1018–0070 when the ITR expires in 2026.

We request OMB approval to renew the following ICs and to adjust the currently approved burden associated with the ICs in subpart J that will remain in OMB Control No. 1018–0070:

(A) *Incidental Take of Marine Mammals—Application for Regulations*—Regulations at 50 CFR part 18 require the applicant to provide information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity. Applicants can find specific requirements in 50 CFR part 18, subpart J. These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine whether to issue specific regulations and, subsequently, LOAs. The required information includes:

1. A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals.

2. The dates and duration of such activity and the specific geographical region where it will occur.

3. Based on the best available scientific information, each applicant must also provide:

a. An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions;

b. The type of taking (*e.g.,* disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

c. A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

d. The anticipated impact of the activity upon the species or stocks; and

e. The anticipated impact of the activity on the availability of the species or stocks for subsistence uses.

4. The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat.

5. The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.)

6. Suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity.

7. Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

8. Applicants must develop and implement a site-specific (or umbrella plan addressing site-specific considerations), Service-approved marine mammal monitoring and mitigation plan to monitor and evaluate the effectiveness of mitigation measures and the effects of activities on marine mammals and the subsistence use of these species.

9. Applicants must also provide trained, qualified, and Service-approved onsite observers to carry out monitoring and mitigation activities identified in the marine mammal monitoring and mitigation plan.

This information is necessary for the Service to anticipate the impact of the activity on the species or stocks and on the availability of the species or stocks for Alaska Native subsistence uses. Under requirements of the MMPA, we cannot authorize a take unless the total of all takes will have a negligible impact on the species or stocks and, where appropriate, will not have an unmitigable adverse impact on the availability of the species or stocks for subsistence uses. These requirements ensure that applicants are aware of related monitoring and research efforts they can apply to their situation, and that the monitoring and reporting that we impose are the least burdensome to the applicant.

(B) *Incidental Take of Marine Mammals—Requests for LOA*—LOAs, which may be issued only to U.S. citizens, are required to conduct activities pursuant to any specific regulations established. Once specific regulations are effective, the Service will, to the maximum extent possible, process subsequent requests for LOAs within 30 days after receipt of the request by the Service. All LOAs will specify the period of validity and any additional terms and conditions appropriate for the specific request. Issuance of LOAs will be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations.

(C) *Incidental Take of Marine Mammals—Final Monitoring Report*—The results of monitoring and mitigation efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the Service for review within 90 days of the expiration of an LOA. Upon request, final report data must be provided in a common electronic format (to be specified by the Service). Information in the final (or annual) report must include, but is not limited to:

1. Copies of all observation reports submitted under the LOA;

2. A summary of the observation reports;

3. A summary of monitoring and mitigation efforts including areas, total hours, total distances, and distribution;

4. Analysis of factors affecting the visibility and detectability of walruses and polar bears during monitoring;

5. Analysis of the effectiveness of mitigation measures;

6. Analysis of the distribution, abundance, and behavior of walruses and/or polar bears observed; and

7. Estimates of take in relation to the specified activities.

(D) *Polar Bear Den Detection Report*—Holders of an LOA seeking to carry out onshore activities in known or suspected polar bear denning habitat during the denning season must make efforts to locate occupied polar bear dens within and near proposed areas of operation. They may use any appropriate tool, such as forward-looking infrared imagery and/or polar bear scent-trained dogs, in concert with denning habitat maps along the Alaskan coast.

1. In accordance with 50 CFR 18.128(b)(1) and (b)(2), LOA holders must report all observed or suspected polar bear dens to us prior to the initiation of activities. We use this information to determine the appropriate terms and conditions in an individual LOA in order to minimize potential impacts and disturbance to polar bears.

2. Holders of an LOA seeking to carry out onshore activities during the denning season (November–April) must conduct two separate surveys for occupied polar bear dens in all denning habitat within 1.6 km (1 mi) of proposed activities using aerial infrared (AIR) imagery. Further, all denning habitat within 1.6 km (1 mi) of areas of proposed seismic surveys must be surveyed three separate times with AIR technology.

3. Flight crews will record and report environmental parameters including air temperature, dew point, wind speed and direction, cloud ceiling, and percent humidity, and a flight log will be provided to the Service within 48 hours of the flight.

(E) *In-season Monitoring—Activity Progress Reports*—Holders of an LOA must:

1. Notify the Service at least 48 hours prior to the onset of activities;

2. Provide the Service weekly progress reports of any significant changes in activities and/or locations; and

3. Notify the Service within 48 hours after ending of activities.

(F) *In-season Monitoring—Observation Reports*—Holders of an LOA must report, within 48 hours, all observations of polar bears and potential polar bear dens, during any Industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the Service). Information in the observation report must include, but is not limited to:

1. Date, time, and location of observation;

2. Number of bears;

3. Sex and age of bears (if known);

4. Observer name and contact information;

5. Weather, visibility, sea state, and sea-ice conditions at the time of observation;

6. Estimated closest distance of bears from personnel and facilities;

7. Industry activity at time of sighting;

8. Possible attractants present;

9. Bear behavior;

10. Description of the encounter;

11. Duration of the encounter; and

12. Mitigation actions taken.

(G) *Notification of LOA Incident Report*—Holders of an LOA must report, as soon as possible, but within 48 hours, all LOA incidents during any Industry activity. An LOA incident is any situation when specified activities exceed the authority of an LOA, when a mitigation measure was required but not enacted, or when injury or death of a marine mammal occurs. Reports must include:

1. All information specified for an observation report;

2. A complete detailed description of the incident; and

3. Any other actions taken.

(H) *Mitigation—Interaction Plan*—All holders of an LOA must have an approved polar bear safety, awareness, and interaction plan on file with the Service's Marine Mammals Management Office and onsite and provide polar bear awareness training to certain personnel. Interaction plans must include:

1. The type of activity and where and when the activity will occur (*i.e.,* a summary of the plan of operation);

2. A food, waste, and other ''bear attractants'' management plan;

3. Personnel training policies, procedures, and materials;

4. Site-specific walrus and bear interaction risk evaluation and mitigation measures;

5. Bear avoidance and encounter procedures; and

6. Bear observation and reporting procedures.

(I) *Mitigation—3rd Party Notifications*—All applicants for an LOA must contact affected Alaska Native subsistence communities and hunter organizations to discuss potential conflicts caused by the activities and provide the Service documentation of communications.

(J) *Mitigation—Requests for Exemption Waivers*—Exemption waivers to the operating conditions in 50 CFR 18.126(c) may be issued by the Service on a case-by-case basis, based upon a review of seasonal ice conditions and available information on walrus and polar bear distributions in the area of interest.

(K) *Mitigation—Plan of Cooperation*—When appropriate, a holder of an LOA will be required to develop and implement a Service-approved plan of cooperation (POC).

1. The POC must include a description of the procedures by which the holder of the LOA will work and consult with potentially affected Alaska Native subsistence hunters and a description of specific measures that have been or will be taken to avoid or minimize interference with subsistence hunting of otters, walruses, and polar bears and to ensure continued availability of the species for subsistence use.

2. The Service will review the POC to ensure that any potential adverse effects on the availability of the animals are minimized. The Service will reject POCs if they do not provide adequate safeguards to ensure the least practicable adverse impact on the availability of walruses and polar bears for subsistence use.

(2) *Revise OMB Control No. 1018–0070 to remove references to, and all burden associated with, information collections (ICs) in 50 CFR part 18, subpart K—Cook Inlet, to include updating the title of this collection*—The ITR in 50 CFR subpart K, issued to Hilcorp Alaska, LLC, Harvest Alaska, LLC, and the Alaska Gasline Development Corporation on August 1, 2019, authorized the nonlethal, incidental, but not intentional, take of small numbers of northern sea otters (*Enhydra lutris kenyoni*) for activities associated with or in support of oil and gas exploration, development, production, and transportation in Cook Inlet, Alaska. This ITR expired on August 1, 2024, and is no longer active; therefore, we are removing the reference to the ICR, along with the associated burden, from OMB Control No. 1018–0070.

(3) *Request a new control number for the currently approved ICs and burden estimates associated with 50 CFR part 18, subpart L—U.S. Coast Guard*—We will submit a separate information collection request to OMB for approval that will contain the applicable ICs and associated burden for subpart L previously approved by OMB under OMB Control No. 1018–0070. The ITR in subpart L, effective May 19, 2023, authorizes the nonlethal, incidental, unintentional take by harassment of small numbers of northern sea otters (otters; *Enhydra lutris kenyoni*) while engaged in activities associated with or in support of marine construction activities in the Gulf of Alaska. Unless a new ITR is issued for subpart L, we will discontinue the newly assigned control number when the ITR expires on May 19, 2028.

We propose to transfer the following currently approved ICs from OMB Control No. 1018–0070 into a new control number:

(A) *Incidental Take of Marine Mammals—Application for Regulations*—Regulations at 50 CFR part 18 require the applicant to provide information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity. Applicants can find specific requirements in 50 CFR part 18, subpart J. These regulations provide the applicant with a detailed description of information that we need to evaluate the proposed activity and determine whether to issue specific regulations and, subsequently, LOAs. The required information includes:

1. A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals.

2. The dates and duration of such activity and the specific geographical region where it will occur.

3. Based on the best available scientific information, each applicant must also provide:

a. An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions;

b. The type of taking (*e.g.,* disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

c. A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

d. The anticipated impact of the activity upon the species or stocks; and

e. The anticipated impact of the activity on the availability of the species or stocks for subsistence uses.

4. The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat.

5. The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.)

6. Suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity.

7. Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

8. Applicants must develop and implement a site-specific (or umbrella plan addressing site-specific considerations), Service-approved marine mammal monitoring and mitigation plan to monitor and evaluate the effectiveness of mitigation measures and the effects of activities on marine mammals and the subsistence use of these species.

9. Applicants must also provide trained, qualified, and Service-approved onsite observers to carry out monitoring and mitigation activities identified in the marine mammal monitoring and mitigation plan.

This information is necessary for the Service to anticipate the impact of the activity on the species or stocks and on the availability of the species or stocks for Alaska Native subsistence uses. Under requirements of the MMPA, we cannot authorize a take unless the total of all takes will have a negligible impact on the species or stocks and, where appropriate, will not have an unmitigable adverse impact on the availability of the species or stocks for subsistence uses. These requirements ensure that applicants are aware of related monitoring and research efforts they can apply to their situation, and that the monitoring and reporting requirements that we impose are the least burdensome to the applicant.

(B) *Incidental Take of Marine Mammals—Requests for LOA*—LOAs, which may be issued only to U.S. citizens, are required to conduct activities pursuant to any specific regulations established. Once specific regulations are effective, the Service will, to the maximum extent possible, process subsequent requests for LOAs within 30 days after receipt of the request by the Service. All LOAs will specify the period of validity and any additional terms and conditions appropriate for the specific request. Issuance of LOAs will be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations.

(C) *Incidental Take of Marine Mammals—Final Monitoring Report*—The results of monitoring and mitigation efforts identified in the marine mammal monitoring and mitigation plan must be submitted to the Service for review within 90 days of the expiration of an LOA. Upon request, final report data must be provided in a common electronic format (to be specified by the Service). Information in the final (or annual) report must include, but is not limited to:

1. A summary of monitoring efforts (hours of monitoring, activities monitored, number of PSOs, and, if requested by the Service, the daily monitoring logs).

2. A description of all project activities, along with any additional work yet to be done. Factors influencing visibility and detectability of otters (*e.g.,* sea state, number of observers, and fog and glare) will be discussed.

3. A description of the factors affecting the presence and distribution of sea otters (*e.g.,* weather, sea state, and project activities). An estimate will be included of the number of sea otters exposed to noise at received levels greater than or equal to 160 dBRMS re: 1 μPa (decibels root-mean squared referenced to 1 microPascal) (based on visual observation).

4. A description of changes in sea otter behavior resulting from project activities and any specific behaviors of interest.

5. A discussion of the mitigation measures implemented during project activities and their observed effectiveness for minimizing impacts to sea otters. Sea otter observation records will be provided to the Service in the form of electronic database or spreadsheet files.

(D) *In-season Monitoring—Activity Progress Reports*—Holders of an LOA must:

1. Notify the Service at least 48 hours prior to the onset of activities;

2. Provide the Service weekly progress reports of any significant changes in activities and/or locations;

3. Injured, dead, or distressed sea otters that are not associated with project activities (*e.g.,* animals known to be from outside the project area, previously wounded animals, or carcasses with moderate to advanced decomposition or scavenger damage) must be reported to the Service within 24 hours of the discovery to either the Service MMM (1–800–362–5148, business hours); or the Alaska SeaLife Center in Seward (1–888–774–7325, 24 hours a day); or both. Photographs, video, location information, or any other available documentation must be provided to the Service.

4. Notify the Service within 48 hours after ending of activities.

(E) *In-season Monitoring—Observation Reports*—Holders of an LOA must report, within 48 hours, all observations of polar bears and potential polar bear dens, during any Industry activity. Upon request, monitoring report data must be provided in a common electronic format (to be specified by the Service). Information in the observation report must include, but is not limited to:

1. Date, time; the observer's locations, heading, and speed (if moving); weather; visibility; number of animals; group size and composition (adults/juveniles); and the location of the animals (or distance and direction from the observer);

2. Initial behaviors of the sea otters, descriptions of project activities and underwater sound levels being generated, the position of sea otters relative to applicable monitoring and mitigation zones, any mitigation measures applied, and any apparent reactions to the project activities before and after mitigation;

3. Distance from the vessel to the sea otter upon initial observation, the duration of the encounter, and the distance at last observation in order to monitor cumulative sound exposures; and

4. Any instances of animals lingering close to or traveling with vessels for prolonged periods of time.

(F) *Notification of LOA Incident Report*—Holders of an LOA must report, as soon as possible, but within 48 hours, all LOA incidents during any Industry activity. An LOA incident is any situation when specified activities exceed the authority of an LOA, when a mitigation measure was required but not enacted, or when injury or death of a marine mammal occurs. Reports must include:

1. All information specified for an observation report;

2. A complete detailed description of the incident; and

3. Any other actions taken.

(G) *Mitigation—Interaction Plan*—All holders of an LOA must have an approved polar bear safety, awareness, and interaction plan on file with the Service's Marine Mammals Management Office and onsite and provide polar bear awareness training to certain personnel. Interaction plans must include:

1. The type of activity and where and when the activity will occur (*i.e.,* a summary of the plan of operation);

2. Personnel training policies, procedures, and materials;

3. Site-specific sea otter interaction risk evaluation and mitigation measures;

4. Sea otter avoidance and encounter procedures; and

5. Sea otter observation and reporting procedures.

(H) *Mitigation—3rd Party Notifications*—All applicants for an LOA must contact affected Alaska Native subsistence communities and

hunter organizations to discuss potential conflicts caused by the activities and provide the Service documentation of communications.

(I) *Mitigation—Requests for Exemption Waivers*—Exemption waivers to the operating conditions in 50 CFR 18.126(c) may be issued by the Service on a case-by-case basis, based upon a review of seasonal ice conditions and available information on marine mammal distributions in the area of interest.

(J) *Mitigation—Plan of Cooperation*—When appropriate, a holder of an LOA will be required to develop and implement a Service-approved plan of cooperation (POC).

1. The POC must include a description of the procedures by which the holder of the LOA will work and consult with potentially affected subsistence hunters and a description of specific measures that have been or will be taken to avoid or minimize interference with subsistence hunting of marine mammals and to ensure continued availability of the species for subsistence use.

2. The Service will review the POC to ensure that any potential adverse effects on the availability of the animals are minimized. The Service will reject POCs if they do not provide adequate safeguards to ensure the least practicable adverse impact on the availability of marine mammals for subsistence use.

Title of Collection: Incidental Take of Marine Mammals During Specified Activities, 50 CFR 18.27 and 50 CFR part 18, subpart J.

OMB Control Number: 1018–0070.

Form Numbers: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Oil and gas industry representatives, including applicants for ITRs and LOAs, operations managers, and environmental compliance personnel.

Total Estimated Number of Annual Respondents: 61.

Total Estimated Number of Annual Responses: 201.

Estimated Completion Time per Response: Varies from 1.25 hours to 150 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,426.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $350,000.

Title of Collection: Incidental Take of Marine Mammals During Specified Activities, 50 CFR 18.27 and 50 CFR part 18, subpart L.

OMB Control Number: 1018–0202.

Form Numbers: None.

Type of Review: New.

Respondents/Affected Public: Federal Government—U.S. Coast Guard.

Total Estimated Number of Annual Respondents: 10.

Total Estimated Number of Annual Responses: 22.

Estimated Completion Time per Response: Varies from 1.25 hours to 150 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 325.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

Send your comments and suggestions on this information collection by the date indicated in **DATES** to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–New/0070 in the subject line of your comments.

Energy Effects

Executive Order 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This rule provides exceptions from the MMPA's taking prohibitions for Industry engaged in specified oil and gas activities in the specified geographic region. By providing certainty regarding compliance with the MMPA, this rule will have a positive effect on Industry and its activities. Therefore, this rule is not expected to significantly affect energy supplies, distribution, or use and does not constitute a significant energy action. No statement of energy effects is required.

References

For a list of the references cited in this rule, see Docket No. FWS–R7–ES–2024–0140, available at *https://www.regulations.gov*.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Indians, Marine mammals, Oil and gas exploration, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

For the reasons set forth in the preamble, the U.S. Fish and Wildlife Service amends part 18, subchapter B of chapter I, title 50 of the Code of Federal Regulations as set forth below.

PART 18—MARINE MAMMALS

■ 1. The authority citation for part 18 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

§ 18.4 [Removed]

■ 2. Remove § 18.4.

■ 3. Revise § 18.124 to read as follows:

§ 18.124 Authorized take allowed under a Letter of Authorization (LOA).

(a) An LOA allows for the nonlethal, non-injurious, incidental, but not intentional take by Level B harassment, as defined in § 18.3 and under section 3 of the Marine Mammal Protection Act (16 U.S.C. 1362), of Pacific walruses while conducting oil and gas industry exploration, development, and production within the Beaufort Sea ITR region described in § 18.120.

(b) An LOA allows for the nonlethal, incidental, but not intentional take by Level A harassment and Level B harassment, as defined in § 18.3 and under section 3 of the Marine Mammal Protection Act (16 U.S.C. 1362), of polar bears while conducting oil and gas industry exploration, development, and production within the Beaufort Sea ITR region described in § 18.120.

(c) Each LOA will identify terms and conditions for each activity and location.

■ 4. Revise § 18.125 to read as follows:

§ 18.125 Prohibited take under a Letter of Authorization (LOA).

Except as otherwise provided in this subpart, prohibited taking is described in § 18.11 as well as:

(a) Level A harassment, as defined in section 3 of the Marine Mammal Protection Act (16 U.S.C. 1362), of Pacific walruses and intentional take and lethal incidental take of polar bears or Pacific walruses; and

(b) Any take that fails to comply with this subpart or with the terms and conditions of an LOA.

■ 5. Revise § 18.129 to read as follows:

§ 18.129 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 1018–0070. Federal agencies 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. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection

Clearance Officer at the address provided at 50 CFR 2.1(b).

§ 18.152 [Amended]

■ 6. Amend § 18.152 by removing the words ''contained in this part and assigned OMB Control Number 1018–0070'' and adding in their place the words ''contained in this subpart and assigned OMB Control Number 1018–0202''.

Maureen D. Foster,

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

[FR Doc. 2025–11778 Filed 6–25–25; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Presidential Permit of June 20, 2025—Presidential Permit Authorizing the City of Eagle Pass, Texas, To Expand and Continue To Maintain and Operate a Vehicular and Pedestrian Border Crossing at the Camino Real International Bridge Land Port of Entry

Federal Register
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Presidential Documents

Title 3—

The President

Presidential Permit of June 20, 2025

Presidential Permit Authorizing the City of Eagle Pass, Texas, To Expand and Continue To Maintain and Operate a Vehicular and Pedestrian Border Crossing at the Camino Real International Bridge Land Port of Entry

By virtue of the authority vested in me as President of the United States of America (the ''President''), I hereby grant permission, subject to the conditions set forth herein, to the City of Eagle Pass, Texas (the ''permittee''), to expand and continue to maintain and operate a vehicular and pedestrian crossing at the Camino Real International Bridge Land Port of Entry located on the United States border with Mexico in Eagle Pass, Texas, as described in the ''Camino Real International Bridge Expansion Presidential Permit Application'' dated November 26, 2024, by the permittee to the Secretary of State and made complete with additional information provided by the permittee on March 9, 2025 (collectively, the ''Application''), in accordance with 33 U.S.C. 535d and associated procedures.

The term ''Border facilities'' as used in this permit consists of the bridge over the Rio Grande, including six vehicle lanes in a second span adjacent to the existing Camino Real International Bridge Land Port of Entry, its approaches, and any land, structures, installations, or equipment appurtenant thereto located approximately half a mile south of the Eagle Pass-Piedras Negras International Bridge and immediately north of the Eagle Pass Union Pacific International Railroad Bridge on the United States side of the international boundary between the United States and Mexico.

This permit is subject to the following conditions:

Article 1. The Border facilities herein described and all aspects of their operation are subject to all the conditions, provisions, and requirements of this permit and any subsequent Presidential amendment to it. The construction, maintenance, and operation of the Border facilities shall be in all material respects as described in the Application.

Article 2. The standards for and the manner of construction, maintenance, and operation of the Border facilities are subject to inspection by the representatives of appropriate Federal, State, and local agencies. The permittee shall grant officers and employees of such agencies that are duly authorized and performing their official duties free and unrestricted access to said Border facilities.

Article 3. The permittee shall comply with all applicable Federal laws and regulations regarding the construction, maintenance, and operation of the Border facilities.

Article 4. (1) The permittee shall take or cause to be taken all appropriate measures to mitigate adverse impacts on or disruption of the human environment in connection with the construction, maintenance, and operation of the Border facilities. Mitigation measures are those that avoid, minimize, or compensate for adverse impacts.

(2) The permittee shall hold harmless and indemnify the United States for any claimed or adjudged liability arising out of construction, maintenance, and operation of the Border facilities, including environmental contamination from the release, threatened release, or discharge of hazardous substances or hazardous waste.

(3) The permittee is responsible for obtaining any required Federal, State, and local permits, approvals, and authorizations prior to commencing construction activities. The permittee shall implement the mitigation identified in any environmental decision documents prepared in accordance with the National Environmental Policy Act and Federal permits, including stormwater permits and permits issued in accordance with section 402 of the Clean Water Act (33 U.S.C. 1342). The permittee shall comply with applicable Federal, State, and local environmental laws.

Article 5. The permittee shall immediately notify the President or his designee of any decision to transfer custody and control of the Border facilities or any part thereof to any executive department or agency (agency) of the United States Government. Said notice shall identify the transferee agency and seek the approval of the President for the transfer of the permit. In the event of approval by the President of such transfer, this permit shall remain in force and effect, and the Border facilities shall be subject to all the conditions, permissions, and requirements of this permit and any amendments thereof. The permittee may transfer ownership or control of the Border facilities to a non-Federal entity or individual only upon the prior express approval of such transfer by the President, which approval may include such conditions, permissions, and requirements that the President, in the President's discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. The permittee is responsible for acquiring and maintaining any right-of-way grants or easements, permits, and other authorizations as may become necessary or appropriate. To ensure the safe operation of the Border facilities, the permittee shall maintain them and every part of them in a condition of good repair and in compliance with applicable law and use of best management practices.

Article 7. To the extent authorized by law, and consistent with any Donation Acceptance Agreements (DAAs) already executed with the permittee under the Donation Acceptance Authority found in 6 U.S.C. 301a and section 559 of title V of division F of the Consolidated Appropriations Act, 2014 (Public Law 113–76), as amended, as continued by 6 U.S.C. 301b, the permittee shall provide to the Commissioner of U.S. Customs and Border Protection (Commissioner) of the Department of Homeland Security and the heads of any other relevant agencies, at no cost to the United States, suitable inspection facilities, infrastructure improvements, equipment, and maintenance, as set forth in the DAAs. Nothing in this permit obligates such agencies to provide a particular level of services or staffing for such inspection facilities or for any other aspect of the port of entry associated with the Border facilities.

Article 8. Before beginning design activities, the permittee shall provide a Donation Acceptance Proposal for the approval of the Commissioner, the Administrator of General Services, and the Secretary of Transportation detailing the permittee's plans for the construction and staffing of suitable inspection facilitates, infrastructure improvements, equipment, and maintenance at no cost to the United States upon commencement of operations utilizing the construction expansion and thereafter. Relevant agencies will coordinate with the permittee to further refine the above conditions, as necessary, within 1 year of permit issuance.

Article 9. Before initiating construction, the permittee shall obtain the concurrence of the United States Section of the International Boundary and Water Commission, United States and Mexico.

Article 10. The permittee shall not initiate construction until the Department of State has provided notification to the permittee that the Department of State has completed its exchange of diplomatic notes with the Government of Mexico regarding authorization. The permittee shall provide written notification to the President or his designee at the time that the construction

authorized by this permit begins, at the time as such construction is completed, interrupted, or discontinued, and at other times as may be requested by the President.

Article 11. Upon request, the permittee shall provide appropriate information to the President or his designee with regard to the Border facilities. Such requests could include requests for information concerning current conditions, environmental compliance, mitigation, or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the Border facilities.

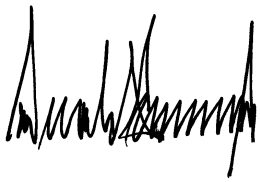
Article 12. The permittee shall file any applicable statements and reports required by applicable Federal law in connection with the Border facilities.

Article 13. The permittee shall make no substantial change inconsistent with the Application to the Border facilities, in the location of the Border facilities, or in the operation authorized by this permit, unless such changes have been approved by the President. The President may terminate, revoke, or amend this permit at any time at his sole discretion. The permittee's obligation to implement any amendment to this permit is subject to the availability of funds. If the permittee permanently closes the Camino Real International Bridge and it is no longer used as an international crossing, then this permit shall terminate, and the permittee may manage, utilize, or dispose of the Border facilities in accordance with applicable authorities. This permit shall continue in full force and effect for only so long as the permittee continues the operations hereby authorized.

Article 14. This permit shall expire 5 years from the date of its issuance if the permittee has not commenced construction of the Border facilities by that date.

Article 15. This permit 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 twentieth 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.



[FR Doc. 2025–11905
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